

Child care subsidy WAC changes as proposed by DEL on June 3, 2009.

This document has been reformatted to make it more readable, but the WAC content is the same as was filed with the Office of the Code Reviser on June 3, 2009. Please note these keys:

“Amendatory section” – is a current WAC that DEL is changing. Underlined words are new, and words lined-through would be deleted when WAC adopts the final rule.

“New section” - is a completely new WAC number and content. But in some cases a current WAC section has been moved to a new WAC number and then was revised. All of the “new” Seasonal Child Care sections in Part III would be moved from WAC chapter 170-292, and the content has been revised and reorganized.

A “repealer” – is a the child care subsidy WAC section that DEL plans to repeal entirely. All of the repealed WAC sections are listed at the end of this document.

Chapter 170-290 WAC

WORKING CONNECTIONS AND SEASONAL CHILD CARE SUBSIDY PROGRAMS

PART I. INTRODUCTION

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0001 (~~((What is the purpose of the working connections child care program?))~~) **Purpose and intent.**

(1) This chapter establishes the requirements for eligible families to receive subsidized child care through the working connections child care (WCCC) and seasonal child care (SCC) programs under applicable state and federal law, to the extent of available funds.

(2) The purpose of ((working connections child care ()))WCCC((+))), as provided in part II of this chapter, is to:

~~((1) Help families with children pay child care costs for approvable activities to find jobs, keep their jobs, and get better jobs))~~ (a) Assist families with lower incomes in obtaining child care subsidies for approvable activities that enable them to work, attend training, or enroll in educational programs; and

~~((2))~~ (b) Consider the health and safety of children while they are in care and receiving child care subsidies.

(3) The purpose of SCC, as provided in part III of this chapter, is to:

(a) Assist families who are seasonally employed in agriculturally related work to access

licensed child care; and

(b) Consider the health and safety of children while they are in care and receiving child care subsidies.

NEW SECTION

WAC 170-290-0002 Scope of agency responsibilities.

(1) The responsibilities of the department of early learning (DEL) include, but are not limited to:

(a) Determining child care subsidy policy for the WCCC and SCC programs, including determining thresholds for eligibility and copayment amounts and establishing rights and responsibilities. DEL is also designated as the lead agency for child care and development funds (CCDF) and oversees expenditure of CCDF funds;

(b) Contracting with community organizations to meet with families to see if they are eligible for the SCC program. SCC contractors are located in several communities across the state, and must follow the rules that DEL has established for the SCC program; and

(c) Serving as the designated representative for the state to implement the collective bargaining agreement under RCW 41.56.028 for in-home/relative providers as defined in WAC 170-290-0003(7), and for all licensed family child care providers.

(2) The responsibilities of the department of social and health services (DSHS) include, but are not limited to, service delivery for the WCCC program, including determining who is eligible for WCCC benefits, authorizing payments, and managing payments made to WCCC providers.

(3) This allocation between DEL and DSHS is pursuant to section 501(2), chapter 265, Laws of 2006 (2SHB 2964), in which the legislature transferred all of the powers, duties, and functions relating to the WCCC program from DSHS to DEL, except for eligibility staffing and eligibility payment functions, which remain in DSHS.

NEW SECTION

WAC 170-290-0003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) **"Collective bargaining agreement" or "CBA"** means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

(2) **"Consumer" or "eligible consumer"** means the person applying for or receiving:

- (a) WCCC benefits as described in part II of this chapter; or
 - (b) SCC benefits as described in part III of this chapter.
- (3) **"Copayment"** means the amount of money the consumer is responsible to pay the child care provider toward the cost of child care each month.
- (4) **"DEL"** means the department of early learning.
- (5) **"DSHS"** means the department of social and health services.
- (6) **"Days"** means calendar days unless otherwise specified.
- (7) **"In-home/relative provider,"** referred to in the collective bargaining agreement as **"license-exempt provider,"** means those providers who meet the requirements in WAC 170-290-0130 through 170-290-0167.
- (8) **"In loco parentis"** means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian.
- (9) **"SCC"** means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists families who are seasonally employed in agriculturally related work to access licensed child care.
- (10) **"WCCC"** means the working connections child care program, which is a child care subsidy program described in part II of this chapter that assists families with lower incomes in obtaining child care subsidies for approvable activities that enable them to work, attend training, or enroll in educational programs.

PART II. WORKING CONNECTIONS CHILD CARE

Eligibility Requirements

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0005 ~~((Who is considered a consumer for the WCCC program?))~~
Consumers. ~~((For the purposes of this chapter, "you" and "your" refer to the consumer. If you apply for or receive WCCC, we consider you to be the consumer.))~~

(1) In WCCC, an eligible consumer ~~((is one of the following individuals who))~~ has parental control of one or more children, lives in the state of Washington, and is the child's:

- (a) Parent, either biological or adopted;

- (b) Stepparent;
 - (c) Legal guardian verified by a legal or court document;
 - (d) Adult sibling or step-sibling;
 - (e) Nephew or niece;
 - (f) Aunt;
 - (g) Uncle;
 - (h) Grandparent; or
 - (i) Any of the relatives in (e), (f) ~~((through)), (g), or~~ (h) of this subsection with the prefix great~~((, such as))~~ (for example, great-aunt).
- (2) ~~((You are not an eligible consumer when you:~~
- ~~(a) Are the only parent in the household; and~~
 - ~~(b) Will be away from the home for more than thirty days in a row.))~~ Consumers may be eligible for WCCC benefits if they:
 - (a) Meet eligibility requirements for WCCC described under part II of this chapter;
 - (b) Participate in an approved activity under WAC 170-290-0040, 170-290-0045, 170-290-0050, or have been approved per WAC 170-290-0055;
 - (c) Comply with any special circumstances that might affect WCCC eligibility under WAC 170-290-0020; and
 - (d) Have countable income at or below two hundred percent of the federal poverty guidelines (FPG) (under WAC 170-290-0065).
- (3) A consumer is not eligible for WCCC benefits when he or she:
- (a) (i) Will be away from the home for more than thirty days in a row; and
 - (ii) Is the only parent in the household; or
 - (b) Has a monthly copayment that is higher than the rate the state will pay for all eligible children in care.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0012 ~~((When do I need to verify))~~ **Verifying consumers' information(?)**.

(1) ~~((When you apply for benefits, we require you to provide information that helps us decide your eligibility. We call this "verification."~~

~~(2) After you apply, we ask you to give us new verification when:~~

~~(a) You report a change;~~

~~(b) We find out that your circumstances have changed; or~~

~~(c) The information we have is questionable, confusing or outdated.~~

~~(3) Whenever we ask for verification, we give you a notice as described in WAC 388-458-0020.~~

~~(4) We))~~ A consumer must provide information to DSHS to determine eligibility when:

(a) The consumer initially applies for benefits;

(b) The consumer reapplies for benefits;

(c) A change of circumstances occurs, which is either reported by the consumer or determined by DSHS;

(d) DSHS finds out that the consumer's circumstances may have changed; or

(e) The information DSHS has is inconsistent, conflicting, or outdated.

(2) DSHS may accept any verification that ((you)) the consumer can easily ((get)) obtain when it reasonably supports ((your)) the consumer's statement or circumstances. The verification ((you give to us)) that the consumer gives to DSHS must:

(a) Clearly relate to ((what you are trying to verify)) the information DSHS is requesting;

(b) Be from a reliable source; and

(c) Be accurate, complete, and consistent.

~~((5) We cannot make you give us a specific type or form of verification.~~

~~(6) If the only type of verification that you can get costs money, we pay for it.~~

~~(7))~~ (3) If DSHS requires verification from a consumer that costs money, then DSHS must pay for the consumer's reasonable costs.

(4) If the verification that ((you give to us)) a consumer provides DSHS with is ((questionable or confusing)) inconsistent, conflicting, or outdated, ((we)) DSHS may:

(a) Ask ((you to give us)) the consumer to provide DSHS with more verification or provide a collateral contact (a "collateral contact" is a statement from someone outside of ((your)) the consumer's residence that knows ((your)) the consumer's situation); or

(b) Send an investigator from the division of fraud investigations (DFI) to make an unannounced visit to ((your)) the consumer's home to verify ((your)) the consumer's circumstances. See WAC ((388-290-0025)) 170-290-0025(10).

~~((8) If you do not give us all of the verification that we have asked for, we determine if you are~~

~~eligible based on the information that we already have. If we cannot determine that you are eligible based on this information, we deny or stop your benefits per WAC 388-290-0107 or 388-290-0115.)~~ (5) If a consumer does not provide all of the verification requested, DSHS will determine if a consumer is eligible based on the information already available to DSHS.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0015 ~~((How does the WCCC program determine my family size for eligibility?))~~ **Eligibility--Family size.** ~~((We))~~ DSHS determines ~~((your))~~ a consumer's family size by reviewing those individuals who live together in the same household as follows:

(1) If ((you are)) <u>a consumer is:</u>	((We)) <u>DSHS counts the following individuals as part of the family for WCCC eligibility:</u>
(a) A single parent, including a minor parent living independently ((;)) .	((You and your)) <u>The consumer and the consumer's children.</u>
(b) Unmarried parents who have at least one mutual child ((;)) .	Both parents and all their children living in the household.
(c) Unmarried parents with no mutual children ((;)) .	Unmarried parents and their respective children living in the household as separate WCCC families.
(d) Married parents ((;)) .	Both parents and all their children living in the household.
(e) Undocumented parents ((;)) .	Parents and children, documented and undocumented, as long as the child needing care is a U.S. citizen or legally residing in the United States. All other family rules in this section apply.
(f) ((A consumer as defined in WAC 388-290-0005 (1)(c) through (i);)) <u>A legal guardian verified by a legal or court document; adult sibling or step-sibling; nephew, niece, aunt, uncle, grandparent; or great-nephew, great-niece, great-aunt, great-uncle, or great-grandparent.</u>	The children only ((;)) ((the children and their income are counted((;))) .
(g) A minor parent with children and lives with a parent/guardian ((;)) .	Only the minor parent and their children.
(h) A family member who is out of the household because of employer requirements, such as the military or training, and is expected to return to the household.	((You)) <u>The consumer</u> , the absent individual, and the children. Subsection (1)(b) and (d) of this section apply.

(i) A family member who is voluntarily out of the household for reasons other than requirements of the employer, such as unapproved schooling and visiting family members, and is expected to return to the household.	((You)) <u>The consumer</u> , the absent individual and the children. Subsection (1)(b) and (d) of this section apply as well as WAC ((388-290-0020)) <u>170-290-0020</u> .
(j) An incarcerated family member.	The absent individual is removed from the household. We count all remaining household members. All other family rules in this section apply.

(2) If ((your)) <u>the consumer's</u> household includes:	((We)) <u>DSHS</u> counts the following individuals as part of the family for WCCC eligibility:
(a) Eighteen year old siblings of the children who require care and are enrolled in high school or general equivalency diploma (GED) program.	The eighteen year olds (unless they are a parent themselves), until they turn nineteen or complete high school/GED, whichever comes first. All other family rules in this section apply.
(b) Siblings of the children requiring care who are up to twenty-one years of age and who are participating in an approved program through the school district's special education department under RCW 28A.155.020.	The individual participating in an approved program through RCW 28A.155.020 up to twenty-one years of age (unless they are a parent themselves). All other family rules in this section apply.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0020 ~~((Are there))~~ Eligibility--Special circumstances ~~((that might affect my WCCC eligibility?))~~;

(1) ~~((You might))~~ A consumer may be eligible for WCCC if ~~((you are))~~ he or she is:

(a) An employee of the same child care center where ~~((your))~~ the employee's children receive care and ~~((you do))~~ the employee does not provide direct care to ~~((your))~~ his or her own children during the time WCCC is requested;

(b) A sanctioned WorkFirst participant or an applicant who was terminated by a sanction review panel and in an activity needed to remove a sanction penalty or to reopen ~~((your))~~ his or her case;

(c) A parent in a two-parent family and one parent is not able or available to provide care for ~~((you))~~ the children while the other is working, looking for work, or preparing for work;

(i) "Able" means physically and mentally capable of caring for a child in a responsible manner. If ~~((you))~~ a consumer claims one parent is unable to care for the children, ~~((you))~~ the consumer must provide written documentation from a licensed professional (see WAC 388-448-0020) that states the:

(A) Reason the parent is unable to care for the children;

(B) Expected duration and severity of the condition that keeps ~~((them))~~ the parent from caring for the children; and

(C) Treatment plan if the parent is expected to improve enough to be able to care for the children. The parent must provide evidence from a medical professional showing ~~((they are))~~ he or she is cooperating with treatment and ~~((are))~~ is still unable to care for the children.

(ii) "Available" means free to provide care when not participating in an approved work activity under WAC ~~((388-290-0040, 388-290-0045, 388-290-0050, or 388-290-0055))~~ 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055 during the time child care is needed~~((:))~~; or

(d) A married consumer described under WAC ~~((388-290-0005))~~ 170-290-0005 (1)(d) through (i). Only ~~((you))~~ the consumer or ~~((you))~~ the consumer's spouse must be participating in activities under WAC ~~((388-290-0040, 388-290-0045, 388-290-0050, or 388-290-0055))~~ 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055.

(2) ~~((You))~~ A consumer might be eligible for WCCC if ~~((you))~~ his or her children are legally residing in the country, are living in Washington state, and are:

(a) Less than age thirteen; or

(b) Less than age nineteen, and:

(i) Have a verified special need, according to WAC ~~((388-290-0220))~~ 170-290-0220; or

(ii) Are under court supervision.

(3) Any of ~~((you))~~ a consumer's children who receive care at the same place where ~~((you))~~ the consumer works (other than (1)(a) of this ~~((subsection))~~ section) are not eligible for WCCC payments but ~~((can))~~ may be included in ~~((you))~~ the consumer's household if they meet the requirements of WAC ~~((388-290-0015))~~ 170-290-0015. This includes if ~~((you))~~ a consumer works:

(a) In a family home child care in any capacity and ~~((you))~~ his or her children are receiving care at the same home during ~~((you))~~ the consumer's hours of employment; or

(b) In ~~((you))~~ the consumer's home or another location and ~~((you))~~ his or her children receive care at the same location during ~~((you))~~ the consumer's hours of employment.

Rights and Responsibilities

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0025 ~~((What))~~ **Consumer rights** ~~((do I have when I apply for or receive WCCC benefits?))~~. When ~~((you apply))~~ a consumer applies for or receives WCCC benefits ~~((you have))~~, he or she has the right to:

(1) Be ~~((treated politely and fairly without regard to race, color, creed, religion, sex, presence of any sensory, mental or physical disability, sexual orientation, political affiliation, national origin, religion, age, gender, disability, or birthplace))~~ free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Have WCCC eligibility determined within thirty days from ~~((your))~~ the consumer's application date per WAC ~~((388-290-0100))~~ 170-290-0100(2);

(3) Be informed, in writing, of ~~((your))~~ the consumer's legal rights and responsibilities related to WCCC benefits;

(4) ~~((Only have your information shared with other agencies when required by federal or state regulations;~~

~~((5-Get))~~ Receive a written notice at least ten days before ~~((we))~~ DSHS makes changes to lower or stop benefits except as stated in WAC ~~((388-290-0120))~~ 170-290-0120;

~~((6))~~ (5) Ask for ~~((a fair))~~ an administrative hearing if ~~((you do))~~ the consumer does not agree with ~~((us))~~ DSHS about a decision per WAC ~~((388-290-0260))~~ 170-290-0280;

~~((7))~~ (6) Ask a supervisor or administrator to review a decision or action affecting ~~((your))~~ the consumer's benefits without affecting the right to ~~((a fair))~~ an administrative hearing;

~~((8))~~ (7) Have an interpreter or translator service provided by DSHS within a reasonable amount of time and at no cost to ~~((you))~~ the consumer;

~~((9))~~ (8) Choose ~~((your))~~ a provider as long as the provider meets the requirements in WAC ~~((388-290-0125))~~ 170-290-0125; ~~((and~~

~~((10))~~ (9) Ask the fraud early detection (FRED) investigator from the division of fraud investigations (DFI) to come back at another time. ~~((You do))~~ A consumer does not have to let an investigator into ~~((your))~~ his or her home. ~~((You may ask the investigator to come back at another time.))~~ This request will not affect ~~((your))~~ the consumer's eligibility for benefits. If ~~((you))~~ the consumer refuses to cooperate (provide the information requested) with the investigator, it could affect ~~((your))~~ his or her benefits;

(10) Access his or her child at all times while he or she is in child care;

(11) Terminate child care without cause and without notice to the provider. Notice must be given to DSHS within five days of termination;

(12) Not be charged by the consumer's licensed or certified provider, or be made to pay for:

(a) The difference between their private rate and the state maximum rate, when their private rate for child care or the registration fee is higher;

(b) Any day when the consumer's child is absent;

(c) Vacation days when the provider chooses to close;

(d) A higher amount than the state allows for field trips;

(e) A preschool tuition fee in addition to regular child care services; or

(f) Child care services after the final day of care, when the provider chooses to stop caring for the consumer's children.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0030 ~~((What must I do when I apply for or receive WCCC benefits?))~~ **Consumers' responsibilities.** When ~~((you apply))~~ a consumer applies for or receives WCCC benefits ~~((you)), he or she~~ must:

(1) Give ~~((us))~~ DSHS correct and current information so ~~((we))~~ DSHS can determine ~~((your))~~ the consumer's eligibility and authorize child care payments correctly;

(2) Choose a provider who meets requirements of WAC ~~((388-290-0125))~~ 170-290-0125;

(3) Pay, or make a plan to have someone pay, ~~((your))~~ the consumer's WCCC copayment directly to ~~((your))~~ the child care provider;

(4) Leave ~~((your))~~ the consumer's children with ~~((your))~~ his or her provider while ~~((you are))~~ the consumer is in WCCC approved activities. If ~~((you are))~~ the consumer is not in an approved activity and ~~((you))~~ wants to use the provider, ~~((you))~~ he or she must make a plan to pay the provider ~~((yourself))~~ if the provider wants payment~~((:))~~;

(5) Pay for additional child care hours that exceed the DSHS authorization based on the same fees that are charged to other families;

(6) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late;

(7) ~~((If you use an in-home/relative provider, make sure))~~ Ensure that care is ~~((being))~~ provided in the ~~((right))~~ correct home per WAC ~~((388-290-0130))~~.

~~((6) Cooperate (provide the information requested) with the quality assurance review process to remain eligible for WCCC. You become ineligible for WCCC benefits upon a~~

~~determination of noncooperation by quality assurance and remain ineligible until you meet quality assurance requirements or thirty days from the determination of noncooperation.~~

~~(7) Cooperate with~~) 170-290-130 if the consumer uses an in-home/relative provider, and monitor the in-home/relative provider's quality of care to ensure that the child's environmental, physical, nutritional, emotional, cognitive, safety, and social needs are being met;

(8) Cooperate (provide the information requested) with the quality assurance review process to remain eligible for WCCC. A consumer becomes ineligible for WCCC benefits upon a determination of noncooperation by quality assurance and remains ineligible until he or she meets quality assurance requirements or thirty days from the determination of noncooperation. If DSHS determines that a consumer is not cooperating, the consumer will not be eligible for WCCC benefits. The consumer may become eligible again when he or she meets WCCC requirements in part II of this chapter, or when thirty days have passed since the consumer became ineligible;

(9) Provide the information requested by DSHS's WCCC staff or the fraud early detection (FRED) investigator. If ~~((you))~~ the consumer refuses to ~~((cooperate-))~~ provide the information requested ~~((with the investigator))~~ within a reasonable time, it could affect ~~((your))~~ his or her benefits; and

(10) Sign the consumer's children in and out of child care as provided in WAC 170-290-0138, 170-295-7030, 170-296-0520, or 170-151-460, as applicable, for that type of provider.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0031 ~~((What))~~ Notification of changes ~~((do I need to report when I apply for or receive WCCC?))~~. When a consumer applies for or receives WCCC benefits, he or she must:

(1) Notify DSHS's WCCC staff, within five days, of any change in providers;

(2) Notify ~~((your))~~ the consumer's provider within ten days when ~~((we))~~ DSHS changes ~~((your))~~ his or her child care authorization;

(3) ~~((Provide))~~ Give notice to DSHS's WCCC staff within ten days of any change in:

(a) The number of child care hours ~~((you))~~ the consumer needs (more or less hours);

(b) ~~((Your))~~ The consumer's household income, including any TANF grant or child support increases or decreases;

(c) ~~((Your))~~ The consumer's household size such as any family member moving in or out of ~~((your))~~ his or her home;

(d) Employment, school or approved TANF activity (starting, stopping or changing);

(e) The address and telephone number of ~~((your))~~ the consumer's in-home/relative

provider;

(f) ~~((You))~~ The consumer's home address and telephone number; and

(g) ~~((You))~~ The consumer's legal obligation to pay child support((-));

(4) Report to ~~((your child care authorizing worker))~~ DSHS's WCCC staff, within twenty-four hours, any pending charges or conviction information ~~((you))~~ the consumer learns about ~~((you))~~ his or her in-home/relative provider((-)); and

(5) Report to ~~((the child care authorizing worker))~~ DSHS's WCCC staff, within twenty-four hours, any pending charges or conviction information ~~((you))~~ the consumer learns about anyone sixteen years of age and older who lives with the provider when care occurs outside of the child's home.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0032 ~~((What are the consequences if I do not report changes within the specified time frames?))~~ Failure to report changes. If ~~((you))~~ a consumer fails to report any changes as required in WAC ~~((388-290-0034))~~ 170-290-0031 within the stated time frames, ~~((we))~~ DSHS may establish an overpayment to the consumer per WAC ~~((388-290-0271))~~ 170-290-0271, or ~~((you might))~~ the consumer may have to pay ~~((more than your normal share of child care))~~ additional costs, such as:

(1) ~~((Paying))~~ A higher copayment as provided in WAC 170-290-0085; or

(2) ~~((Paying for extra hours of care when your activity requires more than ten hours a day of care;~~

~~((3)))~~ Receiving an overpayment ((for the number of days your child was absent including the absences the licensed/certified or DSHS seasonal contracted day care)) beyond what the provider is allowed to bill (see publication *Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers*, ((DSHS)) DEL 22-877, March 2007). ((An overpayment for absent days can occur when care is used when you are not eligible for WCCC and can be up to five days a month;))

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0035 ~~((What responsibilities does the WCCC program staff have?))~~ DSHS's responsibilities to consumers. ~~((The WCCC program staff are))~~ DSHS's WCCC staff is responsible to:

(1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations, and policies;

(2) Determine ~~((you))~~ a consumer's eligibility within thirty days from the date ~~((you))~~ the

consumer applied (application date as described in WAC ~~((388-290-0100))~~ 170-290-0100(2));

~~((2))~~ (3) Allow ~~((you))~~ a consumer to choose ~~((you))~~ his or her provider as long as ~~((they))~~ the provider meets the requirements in WAC ~~((388-290-0125))~~ 170-290-0125;

~~((3))~~ (4) Review ~~((your))~~ a consumer's chosen in-home/relative provider's background ~~((information.))~~ check results;

~~((4))~~ (5) Authorize payments only to child care providers who allow ~~((you))~~ a consumer to ~~((see your))~~ access his or her children whenever they are in care;

~~((5))~~ (6) Only authorize payment when no adult in ~~((your WCCC))~~ a consumer's family (under WAC 170-290-0015) is "able" or "available" (under WAC 170-290-0020) to care for ~~((your))~~ the consumer's children ~~((under WAC 388-290-0020.))~~;

~~((6))~~ (7) Inform ~~((you))~~ a consumer of:

(a) ~~((Your))~~ His or her rights and responsibilities under the WCCC program at the time of application and reapplication;

(b) The types of child care providers ~~((we))~~ DSHS can pay;

(c) The community resources that can help ~~((you))~~ a consumer select child care when needed; and

(d) Any change in ~~((your))~~ a consumer's copayment during the authorization period except under WAC ~~((388-290-0120))~~ 170-290-0120(5).

~~((7))~~ (8) Respond to ~~((you))~~ a consumer within ten days if ~~((you))~~ the consumer reports a change of circumstance that affects ~~((your))~~ the consumer's:

(a) WCCC eligibility;

(b) Copayment; or

(c) Providers.

~~((8))~~ (9) Provide prompt child care payments to ~~((your))~~ a consumer's child care provider; and

(10) Provide an interpreter or translator service within a reasonable amount of time and at no cost to the consumer.

Approved Activities

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0040 ~~((If I receive a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?))~~ **Approved activities for TANF consumers.** If ~~((you))~~ a consumer receives a temporary assistance for needy families (TANF) grant, ~~((you))~~ he or she may be eligible for WCCC benefits, for activities in ~~((your))~~ his or her individual responsibility plan (IRP), for up to a maximum of sixteen hours ~~((maximum))~~ per day for ~~((your))~~ his or her hours of participation in the following:

(1) An approved WorkFirst activity under WAC 388-310-0200;

(2) Employment or self-employment. ~~((We consider))~~ "Employment" or "work" ~~((to))~~ means:

(a) Engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States; or

(b) Working in a federal or state paid work study program. ~~((You))~~ The consumer may receive WCCC for paid work study and transportation hours (not for the time ~~((you are))~~ the consumer is in an unapproved activity).

(3) Transportation time between the location of child care and ~~((your))~~ the consumer's place of employment or approved activity;

(4) Up to ten hours per week of study time before or after regularly scheduled classes or up to three hours of study time per day when needed to cover time between approved classes; and

(5) Up to eight hours per day of sleep time when it is needed, such as if ~~((you))~~ the consumer works nights and sleeps days.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0045 ~~((If I don't get a temporary assistance for needy families (TANF) grant, what activities must I be involved in to be eligible for WCCC benefits?))~~ **Approved activities for consumers not receiving TANF.** ~~((+))~~ If ~~((you do))~~ a consumer does not receive TANF, ~~((you))~~ he or she may be eligible for WCCC benefits for:

(1) Up to a maximum of sixteen hours ~~((maximum))~~ per day, including travel, study, and sleep time, for the hours of ~~((your))~~ his or her participation in the following:

(a) Full- or part-time employment or self-employment under WAC ~~((388-290-0050))~~ 170-290-0050. ~~((We consider))~~ "Employment" or "work" ~~((to))~~ means:

(i) Legal, income generating activity taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States~~((:))~~; or

(ii) Federal or state paid work study.

(b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed((-));

(c) High school (HS) or general equivalency diploma (GED) program until ~~((you reach your))~~ the consumer reaches his or her twenty-second birthday ~~((you can))~~ the consumer may be enrolled in a HS or GED program without a minimum number of employment hours((-));

(d) Approved WorkFirst activities according to WAC 388-310-0200 or 388-310-0700 if ~~((you are))~~ the consumer is a TANF applicant((-); or

(e) Food stamp employment and training program under chapter 388-444 WAC.

(2) If ~~((you are))~~ a consumer is participating in an activity listed in subsections (3) through (8) of this section, ~~((you))~~ he or she may be eligible for WCCC benefits as described in subsection (1) of this section if ~~((you are))~~ the consumer is actually working either:

(a) Twenty or more hours per week; or

(b) Sixteen or more hours per week in a paid federal or state work study program.

(3) Adult basic education (ABE).

(4) English as a second language (ESL).

(5) High school or GED completion if ~~((you are))~~ the consumer is twenty-two years of age or older.

(6) Vocational education (Voc Ed). The Voc Ed program must:

(a) ~~((Must))~~ Lead to a degree or certificate in a specific occupation((-);

(b) Cannot include prerequisite classes or programs((-

~~(e)-Is))~~; and

(c) Be offered by the following accredited entities only:

(i) Public and private technical college or school((-);

(ii) Community college((-); or

(iii) Tribal college.

(7) Job skills training: For no more than fourteen consecutive days. Job skills training is not tied to a specific occupation but is training in specific skills directly related to employment, such as CPR/First Aid, keyboarding, computer programs, project management, and oral and written communication skills. Training offered or required by a current employer, at or off ~~((your))~~ the consumer's job site, may extend past the fourteen consecutive day limit.

(8) Post-employment services under WAC 388-310-1800.

(9) Child care for participation in Voc Ed is limited to thirty-six months regardless of the length of the educational program. The thirty-six months includes the months in which the following occurred at the same time:

(a) WCCC benefits were paid to support ~~((your))~~ the consumer's participation in a Voc Ed program~~((:));~~ or

(b) ~~((You))~~ The consumer or someone in ~~((your))~~ his or her household received TANF benefits.

(10) WCCC may be approved for activities listed in WAC ~~((388-290-0040 (3) through (5)))~~ 170-290-0040 (2)(b) through (d), when needed.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0050 ~~((If I am self-employed, can I get WCCC benefits?))~~ Additional requirements for self-employed WCCC consumers. ~~((You may be eligible for WCCC benefits for up to sixteen hours maximum per day when you are self-employed.~~

~~((1) We consider "employment" or "work" to mean engaging in any legal, income generating activity that is taxable under the United States Tax Code or that would be taxable with or without a treaty between an Indian Nation and the United States;~~

~~((2) You are eligible for the calculation discussed in subsection (4)(a) of this section one time only, for one self-employment venture. If you change self-employment, any months left up to the first six months are covered by child care according to subsection (4)(a)(i) of this section.~~

~~((3) If you get TANF and are self-employed:~~

~~((a) You must have an approved self-employment plan under WAC 388-310-1700;~~

~~((b) The amount of WCCC you get for self-employment is equal to the number of hours in your approved plan; and~~

~~((c) Income from self-employment while you are receiving TANF is determined by WAC 388-450-0085.~~

~~((4) If you don't get TANF at the time of application for WCCC and it is a:~~

~~((a) New self-employment business (established less than six months):~~

~~((i) The hours of care you are eligible to receive for the first six months is based on your report of how many hours are needed, up to sixteen hours per day; and~~

~~((ii) Your self-employment income is based on WAC 388-290-0060.~~

~~(b) For a self-employment business (established for six months or more) the number of hours of care you are eligible to receive is based on whichever is more:~~

~~(i) Your work hours reported in your business records; or~~

~~(ii) The average number of monthly hours equal to dividing your monthly self-employment income by the federal or state minimum wage (whichever minimum wage is lower).~~

~~(c) After the first six months, the number of hours of WCCC you can get each month is based on the lesser of subsections (4)(b)(i) or (ii) of this section.)~~ **(1) Consumers receiving TANF.** If a consumer receives TANF and is also self-employed:

(a) The consumer must have an approved self-employment plan in the consumer's IRP under WAC 388-310-1700;

(b) The amount of WCCC a consumer receives for self-employment is equal to the number of hours in his or her approved plan; and

(c) Income from self-employment while the consumer is receiving TANF is determined by WAC 388-450-0085.

(2) Consumers not receiving TANF. If a consumer does not receive TANF at the time of application for WCCC and is establishing a new self-employment business (established less than six months):

(a) The hours of care the consumer is eligible to receive for the first six months is based on his or her report of how many hours are needed, up to sixteen hours per day; and

(b) The consumer's self-employment income is based on WAC 170-290-0060.

(c) A consumer is eligible for the calculation discussed in subsection (2)(a) of this section one time only. If the consumer changes self-employment during the initial six-month period, any months left are covered by child care according to subsection (2)(a) of this section.

(d) After the first six months of self-employment, the number of hours of WCCC a consumer can receive each month is based on the lesser of subsection (2)(e)(i) or (ii) of this section.

(e) For an established self-employment business (established for six months or more) the number of hours of child care the consumer is eligible to receive is based on whichever is greater:

(i) The consumer's work hours reported in his or her business records; or

(ii) The average number of monthly hours equal to dividing the consumer's monthly self-employment income by the federal or state minimum wage (whichever minimum wage is lower).

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0055 ~~((If I am not working or in an approved activity right now, can I get WCCC benefits?))~~ **Receipt of benefits when not engaged in approved activities.** When care is approved in the situations described in subsections (1) and (2) of this section, the child needs to attend for the provider to bill.

~~(1) ((We can authorize WCCC payments for a child's attendance in child care for up to fourteen consecutive days when you're waiting to enter an approved activity under WAC 388-290-0040 or 388-290-0045.~~

~~(2) We can authorize WCCC payments for a child's attendance in child care for up to twenty eight consecutive days if you or the other parent in the household experience a gap in your approved activity.~~

~~(3) Your household may be eligible for payment described in subsection (2) of this section:~~

~~(a) Twice in a calendar year;~~

~~(b) For the same number of units open while you were in the approved activity, not to exceed two hundred thirty hours a month;~~

~~(c) If you report the loss of activity or employment timely following WAC 388-290-0031; and~~

~~(d) If you receive WCCC immediately before the loss of employment or approved activity, and:~~

~~(i) Your employment, or the approved activity, will resume within that period; or~~

~~(ii) You are looking for another job.))~~ **Fourteen-day wait period.** DSHS may authorize WCCC payments for a child's attendance in child care for up to fourteen consecutive days when a consumer is waiting to enter an approved activity under WAC 170-290-0040 or 170-290-0045.

(2) Twenty-eight-day gap period. DSHS may authorize WCCC payments to ensure a child's continuing attendance in child care for up to twenty-eight consecutive days when a consumer experiences a gap in his or her employment or approved activity. The consumer may be eligible for this twenty-eight-day gap period:

(a) Twice in a calendar year; and

(b) For the same number of units open while the consumer is in the approved activity, not to exceed two hundred thirty hours a month.

(3) In order for a consumer to qualify for the twenty-eight-day gap period:

(a) The consumer must be currently receiving WCCC benefits;

(b) The consumer must report to DSHS within ten days the loss of his or her employment or approved activity; and

(c) The consumer must:

(i) Be looking for another job; or

(ii) Have verbal or written assurance from the consumer's employer or approved activity that the employment or approved activity will resume within the twenty-eight-day gap period.

Income and Copayment Calculations

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0060 ~~((What))~~ **Countable income** ~~((does the WCCC program count when determining eligibility and copayments?)).~~ ~~((The WCCC program))~~ DSHS counts income as money ~~((you get))~~ a consumer earns or receives from:

(1) A TANF grant, except when ~~((exempt under WAC 388-290-0070 (1)(h)))~~ the grant is for the first three consecutive calendar months after the consumer starts a new job. The first calendar month is the month in which he or she starts working;

(2) Child support payments;

(3) Supplemental Security Income (SSI);

(4) Other Social Security payments, such as SSA and SSDI;

(5) Refugee assistance payments;

(6) Payments from the Veterans' Administration, disability payments, or payments from labor and industries (L&I);

(7) Unemployment compensation;

(8) Other types of income not listed in WAC ~~((388-290-0070))~~ 170-290-0070;

(9) VISTA volunteers, ~~((AmeriCorps))~~ AmeriCorps, and Washington Service Corps (WSC) if the income is taxed;

(10) Gross wages from employment or self-employment. Gross wages includes any wages that are taxable. "Self-employment income" means ~~((your))~~ a consumer's gross income from self-employment minus allowable business expenses in WAC 388-450-0085;

(11) Lump sums as money ~~((you get))~~ a consumer receives from a one-time payment such as back child support, an inheritance, or gambling winnings; and

(12) Income for the sale of property as follows:

(a) If ~~((you))~~ a consumer sold the property before application, ~~((we))~~ DSHS considers the proceeds an asset and ~~((do))~~ does not count as income;

(b) If ~~((you))~~ a consumer sold the property in the month ~~((you apply))~~ he or she applies or during ~~((your))~~ his or her eligibility period, ~~((we))~~ DSHS counts it as a lump sum payment as described in WAC ~~((388-290-0065(3)))~~ 170-290-0065 (2)(a);

(c) Property does not include small personal items such as furniture, clothes, and jewelry.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0065 ~~((How does the WCCC program define and use my))~~
Calculation of income~~((?))~~. ~~((We))~~ DSHS uses ~~((your))~~ a consumer's countable income when determining ~~((your))~~ his or her income eligibility and copayment. ~~((Your))~~ A consumer's countable income is the sum of all income listed in WAC ~~((388-290-0060))~~ 170-290-0060 minus any child support paid out (through a court order, division of child support administrative order, or tribal government order).

(1) To determine ~~((your))~~ a consumer's income ~~((we))~~, DSHS:

(a) Determines the number of months, weeks or pay periods it took ~~((your family))~~ the consumer's WCCC household to earn the income and divide the income by the same number of months, weeks or pay periods to ~~((get))~~ determine an average monthly amount; or

(b) Uses the best available estimate of ~~((your family's))~~ the consumer's WCCC household's current income when ~~((you))~~ he or she begins new employment, or if ~~((you don't))~~ the consumer does not have an income history to make an accurate estimate of ~~((your))~~ his or her future income, ~~((we))~~ DSHS may ask ~~((your))~~ the consumer's employer to verify ~~((your))~~ his or her income.

(2) If ~~((you))~~ a consumer receives a lump sum payment (such as money from the sale of property or back child support payment) in the month of application or during ~~((your))~~ his or her WCCC eligibility ~~((we))~~:

(a) DSHS divides the lump sum payment by twelve to come up with a monthly amount; ~~((and))~~

(b) DSHS adds the monthly amount to ~~((your))~~ the consumer's expected average monthly income for the month it was received and the remaining months of the current authorization period; and

(c) ~~((You))~~ The consumer must meet income guidelines for WCCC after the lump sum payment is applied to remain eligible for WCCC.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0070 ~~((What income types and deductions does the WCCC program disregard when figuring my income eligibility and for WCCC benefits?))~~ Excluded income and deductions.

(1) The WCCC program does not count the following income types when ~~((figuring your))~~ determining a consumer's income eligibility and copayment:

- (a) Income types as defined in WAC 388-450-0035, 388-450-0040, and 388-450-0055;
- (b) Compensatory awards, such as an insurance settlement or court-ordered payment for personal injury, damage, or loss of property;
- (c) Adoption support assistance and foster care payments;
- (d) Reimbursements, such as an income tax refund;
- (e) Diversion cash assistance;
- (f) Income in-kind that is untaxed, such as working for rent;
- (g) Military housing and food allowance;
- (h) The TANF grant for the first three consecutive calendar months after ~~((you))~~ the consumer starts a new job. The first calendar month is the month in which ~~((you))~~ he or she starts working;
- (i) Payments to ~~((you))~~ the consumer from ~~((your))~~ his or her employer for benefits such as medical plans;
- (j) Earned income of a WCCC family member defined under WAC ~~((388-290-0015))~~ 170-290-0015(2);
- (k) Income of consumers described in WAC ~~((388-290-0005))~~ 170-290-005 (1)(c) through (i);
- (l) Earned income from a minor child who ~~((we))~~ DSHS counts as part of ~~((your))~~ the consumer's WCCC household; and
- (m) Benefits received by children of Vietnam War veterans who are diagnosed with all forms or manifestations of spina bifida (except spina bifida occulta).

(2) WCCC deducts the amount ~~((you))~~ a consumer pays for child support under court order,

division of child support administrative order, or tribal government order, from ~~((your))~~ the consumer's other countable income when figuring ~~((your))~~ his or her eligibility and ~~((copay))~~ copayment for the WCCC program.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0075 ~~((What steps does the WCCC program take to determine my family's WCCC))~~ Determining income eligibility and copayment amounts~~((?))~~.

(1) ~~((The WCCC program))~~ DSHS takes the following steps to determine ~~((your WCCC income))~~ a consumer's eligibility and copayment:

(a) Determine ~~((your))~~ the consumer's family size (under WAC ~~((388-290-0015))~~ 170-290-0015); and

(b) Determine ~~((your))~~ the consumer's countable income (under WAC ~~((388-290-0065))~~ 170-290-0065).

(2) If ~~((your))~~ the consumer's family's countable monthly income falls within the range below, then ~~((your))~~ his or her copayment is:

((YOUR)) <u>IF A CONSUMER'S INCOME IS:</u>	((YOUR)) <u>THEN THE CONSUMER'S COPAYMENT ((is)) <u>IS:</u></u>
At or below 82% of the ((FPL)) <u>FPG</u>	\$15
Above 82% of the ((FPL)) <u>FPG</u> up to 137.5% of the ((FPL)) <u>FPG</u>	\$50
Above 137.5% of the ((FPL--)) <u>FPG</u> through 200% of the ((FPL)) <u>FPG</u>	The dollar amount equal to subtracting 137.5% of ((FPL)) <u>FPG</u> from countable income, multiplying by 44%, then adding \$50
((Income)) <u>Above 200% of the ((FPL)) <u>FPG</u>, ((you-are)) <u>a consumer is</u> not eligible for WCCC benefits.</u>	

(3) ~~((We do))~~ DSHS does not prorate the copayment when ~~((you))~~ a consumer uses care for part of a month.

(4) The FPG is updated every year on April 1. The WCCC eligibility level is updated at the same time every year to remain current with the FPG.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0082 ~~((When I am approved, how long is my))~~ Eligibility period~~((?)).~~
~~((We can))~~ DSHS may approve ~~((you))~~ a consumer for a period up to six months. ~~((Your))~~ A
consumer's eligibility ~~((can))~~ may end ~~((prior to your))~~ before his or her end date as stated in
WAC ~~((388-290-0110))~~ 170-290-0110.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0085 ~~((When might my WCCC copayment))~~ Change~~((?))~~ in
copayment.

(1) Once ~~((we))~~ DSHS determines that ~~((you are))~~ a consumer is eligible for WCCC benefits,
~~((your))~~ his or her copayment ~~((could))~~ may change when:

(a) ~~((Your))~~ The consumer's monthly income decreases;

(b) ~~((Your))~~ The consumer's family size increases;

(c) ~~((We))~~ DSHS makes an error in ~~((your))~~ the consumer's copayment computation;

(d) ~~((You))~~ The consumer did not report all income, activity and household information
at the time of eligibility determination or application/reapplication;

(e) ~~((You are))~~ The consumer is no longer eligible for the minimum copayment under
WAC ~~((388-290-0090))~~ 170-290-0090;

(f) ~~((We))~~ DEL makes a mass change in benefits due to a change in law or program
funding; or

(g) ~~((You are))~~ The consumer is approved for a new eligibility period.

(2) If ~~((your))~~ a consumer's copayment changes during ~~((your))~~ his or her eligibility period, the
change is effective on the first day of the month following ~~((our))~~ DSHS becoming aware of the
change.

(3) ~~((We do))~~ DSHS does not increase ~~((your))~~ a consumer's copayment during ~~((your))~~ his or
her current eligibility period when ~~((your))~~ his or her countable income remains at or below two
hundred percent of the ~~((FPL))~~ FPG, and:

(a) ~~((Your))~~ The consumer's monthly countable income increases; or

(b) ~~((Your))~~ The consumer's family size decreases.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0090 ~~((When do I pay the))~~ Minimum copayment~~((?))~~. ~~((You pay the minimum copayment:~~

- ~~(1) If your countable monthly income is at or below eighty two percent of the FPL;~~
- ~~(2) If you are a minor parent, and are:~~
 - ~~(a) Receiving TANF; or~~
 - ~~(b) Part of your parent's or relative's TANF assistance unit.~~
- ~~(3) For the first full month following the month you get a job or apply for WCCC and we pay benefits;~~
- ~~(4) If there is a break of at least thirty days in your WCCC benefits due to your activity ending; or~~
- ~~(5) If you received child care benefits within the last thirty days immediately prior to the eligibility period and you do not meet the qualifications in subsections (1) through (4) of this section, your copayment will be computed according to WAC 388 290 0075.))~~ (1) The minimum copayment is paid when the consumer has countable monthly income at or below eighty-two percent of the federal poverty guidelines.

(2) **First application.** The consumer pays the minimum copayment when he or she first applies for WCCC, and benefits are paid. The consumer pays the minimum copayment beginning in the month that DSHS pays for WCCC child care services, and the first full calendar month thereafter.

(3) **Reapplication.** The consumer pays the minimum copayment when the consumer reapplies for WCCC after a break of at least thirty days in his or her approved activity. The consumer pays the minimum copayment beginning in the month that DSHS pays for WCCC child care services, and the first full calendar month thereafter.

(4) The consumer pays the minimum copayment when he or she is a minor parent, and:

- (a) Receives TANF; or
- (b) Is part of the parent's or relative's TANF assistance unit.

Start Dates and Eligibility Period

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0095 ~~((If I receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin?))~~ When WCCC benefits start for TANF consumers. When ~~((you))~~ a consumer receives TANF~~((;))~~ and ~~((are))~~ is eligible for WCCC, ~~((your))~~ his or her benefits begin when ~~((your))~~:

(1) The consumer's eligible provider (under WAC ~~((388-290-0125))~~ 170-290-0125) is caring for ~~((your))~~ his or her children; and

~~((you are))~~ (2) The consumer is participating in an approved activity under WAC ~~((388-290-0040 or 388-290-0055))~~ 170-290-0040 or 170-290-0055.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0100 ~~((If I do not receive temporary assistance for needy families (TANF) and I am determined eligible for WCCC, when do my benefits begin?))~~ When WCCC benefits start for consumers not receiving TANF.

(1) If ~~((you do))~~ a consumer does not receive TANF and ~~((are))~~ is eligible for WCCC ~~((your))~~, his or her benefits begin as described in WAC ~~((388-290-0055))~~ 170-290-0055(1) or the date ~~((you apply))~~ the consumer applies for WCCC and the following requirements are met:

(a) ~~((You have))~~ The consumer has turned in all ~~((your))~~ information within thirty days of ~~((your))~~ his or her application date;

(b) ~~((You))~~ The consumer meets all eligibility requirements; and

(c) ~~((You))~~ The consumer's eligible provider (under WAC ~~((388-290-0125))~~ 170-290-0125) is caring for ~~((your))~~ his or her children.

(2) ~~((You))~~ The consumer's application date is whichever is earlier:

(a) The date ~~((your))~~ the consumer's application is entered into ~~((our))~~ DSHS's automated system; or

(b) The date ~~((your))~~ the consumer's application is date stamped as received.

(3) If ~~((you))~~ a consumer fails to turn in all ~~((your))~~ information within thirty days from ~~((your))~~ his or her application date ~~((your))~~, the consumer must restart ~~((your))~~ the application process. ~~((You))~~ The consumer's begin date for benefits is described in subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0107 ~~((When do I receive a denial letter?))~~ **Denial of benefits--Date of redetermining eligibility.** ~~((We))~~ DSHS sends ~~((you))~~ a consumer a denial letter when ~~((you have))~~ the consumer has applied for child care and ((you)) the consumer:

- (1) Withdraws ~~((your))~~ his or her request;
- (2) ~~((Are))~~ Is not eligible due to ~~((your;))~~ the consumer's:
 - (a) Family composition;
 - (b) Income; or
 - (c) Activity.
- (3) Did not provide information ~~((necessary))~~ required to determine ~~((your))~~ the consumer's eligibility according to WAC ~~((388-290-0012))~~ 170-290-0012;
- (4) If a consumer turns in information or otherwise meets eligibility requirements after DSHS sends the consumer a denial letter, DSHS determines the consumer's benefit begin date by:
 - (a) WAC 170-290-0095 if the consumer is a TANF consumer; or
 - (b) WAC 170-290-0100 if the consumer is not receiving TANF.

NEW SECTION**WAC 170-290-0109 New eligibility period.**

- (1) If a consumer wants to receive child care benefits for another eligibility period, he or she must reapply for WCCC benefits before the end of the current eligibility period. To determine if a consumer is eligible, DSHS:
 - (a) Requests application information before the end date of the consumer's current WCCC eligibility period; and
 - (b) Verifies the requested information for completeness and accuracy.
- (2) A consumer may be eligible for WCCC benefits for a new eligibility period if:
 - (a) DSHS receives the consumer's application information no later than the last day of the current eligibility period;

- (b) The consumer's provider is eligible for payment under WAC 170-290-0125; and
 - (c) The consumer meets all WCCC eligibility requirements.
- (3) If DSHS determines that a consumer is eligible for WCCC benefits based on his or her application information, DSHS notifies the consumer of the new eligibility period and copayment.
- (4) When a TANF consumer submits an application after the last day of his or her current eligibility period, the consumer's benefits begin when:
- (a) The consumer is participating in an approved TANF/WorkFirst activity; and
 - (b) The consumer's child is being cared for by his or her eligible WCCC provider.
- (5) When a consumer who is not receiving TANF submits an application after the last day of his or her current eligibility period, his or her benefits begin:
- (a) On the date that the consumer's application is date-stamped as received in DSHS's community service office (CSO) or entered into the CSO automated system, whichever date is earlier;
 - (b) When the consumer is participating in an approved activity; and
 - (c) The consumer's child is being cared for by his or her eligible WCCC provider.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0110 ~~((What circumstances might affect my eligibility for WCCC benefits and when might I be eligible again?))~~ Termination of and redetermining eligibility for benefits.

- (1) ~~((We))~~ DSHS stops ~~((your))~~ a consumer's eligibility for WCCC benefits when ~~((you do not))~~:
- (a) The consumer's monthly copayment is higher than the state maximum monthly rate for all of the consumer's children in care under WAC 170-290-0005; or
 - (b) The consumer does not:
 - (i) Pay copayment fees assessed by ~~((us))~~ DSHS and ~~((you do))~~ the consumer does not make mutually acceptable arrangements with ~~((your))~~ his or her child care provider to pay the copayment;
 - ~~((b))~~ (ii) Complete the requested ~~((reapplication))~~ application before the deadline noted in WAC ~~((388-290-0105))~~ 170-290-0109 (2)(a);
 - ~~((e))~~ (iii) Meet other WCCC eligibility requirements related to family size, income and

approved activities; or

~~((d))~~ (iv) Cooperate with the quality assurance review process or with the DSHS division of fraud investigations.

(2) ~~((You might))~~ A consumer may be eligible for WCCC again when ~~((you))~~ the consumer meets all WCCC eligibility requirements, and:

(a) The consumer paid back copayment fees ~~((are paid))~~;

(b) ~~((You make))~~ The consumer made mutually acceptable payment arrangements with ~~((your))~~ his or her child care provider; or

(c) ~~((You cooperate))~~ The consumer cooperated with the quality assurance review process or with the DSHS division of fraud investigations.

Notice

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0115 ~~((When does the WCCC program provide me with advance and adequate))~~ Notice of payment changes~~((?))~~. ~~((1) The WCCC program))~~ DSHS provides ~~((you))~~ WCCC consumers with ~~((advance and adequate))~~ at least ten days written notice for changes ~~((in))~~ to payments ~~((when the change results in a))~~ related to suspension, reduction, or termination of benefits, or forces a change in child care arrangements, except as noted in WAC ~~((388-290-0120))~~ 170-290-0120.

~~((2) "Advance and adequate notice," means a written notice of a WCCC reduction, suspension, or termination that is mailed at least ten days before the date of the intended action which includes the Washington Administrative Code (WAC) supporting the action, and your right to request a fair hearing.))~~

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0120 When ~~((doesn't advance and adequate))~~ notice of payment changes ~~((apply to me?))~~ is not required. ~~((We do))~~ DSHS does not give ~~((you advance and adequate))~~ a consumer notice in the following circumstances:

(1) ~~((You))~~ The consumer tells ~~((us you))~~ DSHS that he or she no longer wants WCCC;

(2) ~~((Your))~~ The consumer's whereabouts are unknown to ~~((us))~~ DSHS;

(3) ~~((You are))~~ The consumer is receiving duplicate child care benefits;

- (4) ~~((You))~~ The consumer's current eligibility period is scheduled to end;
- (5) ~~((You))~~ The consumer's new eligibility period results in a change in child care benefits;
- (6) The location where child care occurs does not meet requirements under WAC ~~((388-290-0130(2)))~~ 170-290-0130; or
- (7) ~~((We))~~ DSHS determines ~~((you))~~ that a consumer's in-home/relative provider:
- (a) Is not of suitable character and competence;
 - (b) May cause a risk of harm to ~~((you))~~ the consumer's children based on the provider's physical or mental health; or
 - (c) Has been convicted of, or has charges pending for crimes ~~((posted))~~ on the ~~((DSHS secretary's list of permanently disqualifying convictions for ESA. You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/>))~~ DEL director's list in WAC 170-06-0120.

Eligible Child Care Providers

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0125 ~~((What child care providers can I choose under the WCCC program?))~~ Eligible child care providers.

(1) To receive payment under the WCCC program, ~~((you))~~ a consumer's licensed or certified child care provider must be:

~~((4))~~ (a) Currently licensed as required by chapter ~~((74.15))~~ 43.215 RCW and chapters ~~((388-155, 388-295, or 388-151))~~ 170-295, 170-296, or 170-151 WAC;

~~((2))~~ (b) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. ~~((We))~~ DSHS pays the lesser of the following to qualified child care facilities in bordering states:

~~((a))~~ (i) The provider's ~~((usual daily))~~ private pay rate for that child; or

~~((b))~~ (ii) The DSHS maximum child care subsidy daily rate for the DSHS region where the child resides.

~~((3))~~ (c) Exempt from licensing but certified by ~~((us))~~ DEL, such as:

~~((a))~~ (i) Tribal child care facilities that meet the requirements of tribal law;

~~((b))~~ (ii) Child care facilities on a military installation; and

~~((e))~~ (iii) Child care facilities operated on public school property by a school district.

~~((4))~~ (d) Seasonal day camps that have a contract with ~~((us))~~ DEL to provide subsidized child care and are:

~~((a))~~ (i) Of a duration of three months or less;

~~((b))~~ (ii) Engaged primarily in recreational or educational activities; and

~~((e))~~ (iii) Accredited by the American Camping Association (ACA).

~~((5) An in-home/relative meeting))~~ (2) Providers other than those specified in this section shall meet the requirements in WAC ((388-290-0130)) 170-290-0130.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0130 ~~((What in-home/relative providers can I choose under the WCCC program?))~~ In-home/relative providers--Eligibility.

(1) To be eligible as an in-home/relative provider ~~((the person must:~~

~~(a) Be an adult who is a U.S. citizen or legally residing in the United States;~~

~~(b) Meet the requirements in WAC 388-290-0135; and~~

~~(c) Be one of the following adults providing care in the home of either the child or the adult:~~

~~(i) A sibling living outside the child's home;~~

~~(ii) An extended tribal family member according to chapter 74.15 RCW; or~~

~~(iii) A grandparent, aunt, uncle, or great-grandparent, great-aunt or great-uncle.~~

~~(2) An adult not listed in (1)(c)(i), (ii), or (iii) of this section must:~~

~~(a) Meet the requirements in subsection (1)(a) and (b) of this section; and~~

~~(b) Provide care in the child's home.~~

~~(3) If you use an in-home/relative provider you can:~~

~~(a) Have no more than two in-home/relative providers authorized for payment during your eligibility period at the same time (not including back-up providers);~~

~~(b) Have one back-up provider (licensed or an in-home/relative provider-);) to care for~~

children under WCCC, the applicant must be:

- (a) Eighteen years of age or older;
- (b) A citizen or legal resident of the U.S.; and
- (c) Meet all of the requirements listed in WAC 170-290-0135.

(2) Additionally, eligible in-home/relative providers must:

- (a) Meet all applicable background check requirements in part II of this chapter;
- (b) Agree to provide care, supervision, and daily activities based on the child's developmental needs, including environmental, physical, nutritional, emotional, cognitive, safety, and social needs. As used in this section, "care" means that the provider must be within sight or hearing of the children in his or her care, both inside and outside; and
- (c) Bill only for actual hours of care provided. Those hours must be authorized by DSHS, and used by the parent for his or her DSHS approved activities or work hours.

(3) The following eligible in-home/relative providers, except those providers residing with a disqualified person, may provide care in either their home or the child's home:

- (a) Adult siblings that live outside the child's home;
- (b) Extended tribal family members;
- (c) Grandparent or great-grandparent; or
- (d) Aunt or uncle, or great-aunt or great-uncle.

(4) All other eligible providers, including other family members, friends, neighbors, or nannies must provide care in the child's home only.

(5) The following persons are not eligible to provide in-home/relative care under part II of this chapter:

- (a) The child's biological, adoptive, or step-parent;
- (b) The child's legal guardian or the guardian's spouse or live-in partner; or
- (c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

(6) WCCC consumers may have up to two in-home/relative providers authorized for payment during the consumer's eligibility period, plus one back-up provider, either licensed or in-home/relative also authorized to care for the consumer's children.

(7) WCCC consumers who choose in-home/relative care are responsible to monitor the environment and child care services they receive from their provider. Additionally, WCCC consumers are required by federal law to ensure that their children who receive subsidized child care outside of their own home are current on all Washington state immunizations, except in

cases based on religious preference or medical conditions.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0135 (~~((When I choose an in-home/relative provider, what information must I give the department?))~~) **In-home/relative providers--Information provided to DSHS.** (~~((When you choose in-home/relative child care, you must complete certain forms and give us the following:~~

- ~~(1) The in-home/relative child care provider's legal name, address and telephone number;~~
- ~~(2) A copy of the provider's valid Social Security card;~~
- ~~(3) A copy of the provider's photo identification;~~
- ~~(4) A completed background check authorization; and~~
- ~~(5) A form supplied by us, completed and signed by you and the provider in which both of you attest to the following:~~

~~(a) The provider is:~~

- ~~(i) Of suitable character and competence;~~
- ~~(ii) Of sufficient physical and mental health to meet the needs of the children in care. If we request it, you must provide written evidence that the in-home child care provider of your choice is of sufficient physical and mental health to be a safe child care provider;~~
- ~~(iii) Able to work with the children without using corporal punishment or psychological abuse;~~
- ~~(iv) Able to accept and follow instructions;~~
- ~~(v) Able to maintain personal cleanliness;~~
- ~~(vi) Prompt and regular in job attendance;~~
- ~~(vii) Informed about basic health practices, prevention and control of infectious disease, immunizations; and~~
- ~~(viii) Able to provide constant care, supervision and activities based on the child's developmental needs.~~

~~(b) The children are current on the immunization schedule as described in the National Immunization Guidelines, developed by the American Academy of Pediatrics and the Advisory Committee on Immunization Practices;~~

~~(e) The home where care is provided is safe for the care of the children.))~~

(1) When a consumer chooses in-home/relative child care, the consumer and the provider must give DSHS the following information:

(a) The in-home/relative provider's legal name, address, and telephone number;

(b) A copy of the provider's valid Social Security card;

(c) A copy of the provider's photo identification;

(d) A completed, signed and dated background check form; and

(e) A completed WCCC application form, signed and dated by the consumer and the provider, in which they both attest that the provider is:

(i) Of suitable character and competence;

(ii) Of sufficient physical and mental health to be a safe child care provider and meet the needs of the children in care;

(iii) Able to work with the children without using corporal punishment or psychological abuse;

(iv) Able to accept and follow instructions;

(v) Able to maintain personal cleanliness;

(vi) Prompt and regular in job attendance; and

(vii) Informed about basic health practices, prevention and control of infectious disease, and immunizations.

(2) If DSHS requests it, the consumer and/or the provider must provide written medical or legal evidence that the in-home/relative provider is of sufficient physical and mental health to provide safe, reliable and developmentally appropriate child care services.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0138 ~~((What responsibilities does my eligible in-home/relative provider have?))~~ **In-home/relative providers--Responsibilities.** ~~((Your in-home/relative provider must:~~

~~(1) Report within ten days changes in their legal name, address or telephone number;~~

~~(2) Report within twenty four hours pending charges or convictions they have;~~

~~(3) Report within twenty-four hours pending charges or convictions for anyone sixteen years of age and older who lives with the provider when care occurs outside of the child's home;~~

~~(4) Bill WCCC only for care he/she provided;~~

~~(5) Not bill WCCC for more than six children at one time for the same hours of care; and~~

~~(6) Keep correct attendance records. Records must:~~

~~(a) Show both days and times the care was provided;~~

~~(b) Be kept for five years; and~~

~~(c) Be given to us, within fourteen consecutive calendar days, if we ask for them.)) A consumer's in-home/relative provider must:~~

(1) Provide care, supervision, and daily activities based on the child's developmental needs. As used in this section, "care" means that the provider must be within sight or hearing of the children in his or her care, both inside and outside;

(2) Report to DSHS within ten days any changes to their legal name, address or telephone number;

(3) Report to DSHS within twenty-four hours any pending charges or convictions they have;

(4) Report to DSHS within twenty-four hours any pending charges or convictions for anyone sixteen years of age and older who lives with the provider when care occurs in the provider's home;

(5) Bill only for actual hours of care provided. Those hours must be authorized by DSHS, and used by the consumer for his or her DSHS approved activities;

(6) Bill for no more than six children at one time during the same hours of care;

(7) Keep daily attendance records that:

(a) Show days and times the care was provided;

(b) Show the consumer's full signature, or the full signature of the consumer's designee as provided in subsection (8) of this section, signing the child in and out of the provider's care;

(c) Be kept for five years; and

(d) Be given to DSHS or DEL, within fourteen consecutive calendar days, if DSHS or DEL asks for them.

(8) If the consumer wishes to designate an alternate person to drop off and/or pick up the consumer's child:

(a) The consumer's designee must be over the age of eighteen; and

(b) There must be a signed and dated agreement between the provider and the consumer allowing the consumer's designee to leave with the consumer's child.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0140 (~~((When is my in-home/relative provider not eligible for WCCC payment?))~~) **In-home/relative providers--Ineligibility.** (~~((We do not pay for the cost of in-home/relative care if:~~

(1) Your provider does not meet the requirements in WAC 388-290-0130, 388-290-0135, and 388-290-0138;

(2) Your in-home/relative provider has been convicted of, or has charges pending for crimes posted on the DSHS secretary's crime and action list for background checks for ESA. You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/policy.shtml>;

(3) We do not have background check results according to WAC 388-290-0143;

(4) The provider is:

(a) The child's biological, adoptive or step-parent;

(b) The child's nonneedy or needy relative or relative's spouse or live-in partner;

(c) The child's legal guardian or the guardian's spouse or live-in partner; or

(d) Another adult acting in loco parentis or that adult's spouse or live-in partner.

(5) We do not have the results of all applicable criminal background checks under WAC 388-290-0143(1) and 388-290-0150. An in-home/relative provider is not an eligible provider (per WAC 388-290-0095 and 388-290-0100) prior to receiving these background results. Providers other than in-home/relative providers you can use are described in WAC 388-290-0125; or

(6) We determine your provider is not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care, or the household may be at risk of harm by this provider, as indicated by information other than conviction information. We will use criteria, such as the following, when reviewing information about incidents/issues/reports/findings:

(a) Recency;

(b) Seriousness;

(c) Type;

(d) Frequency; and

~~(e) Relationship to the direct care of a child including health, mental health, learning, and safety.))~~ DSHS does not pay for the cost of child care provided by an in-home/relative provider if:

(1) The provider does not meet the requirements listed in WAC 170-290-0130, 170-290-0135, and 170-290-0138;

(2) The provider has been convicted of, or has charges pending for crimes on the DEL director's list in WAC 170-06-0120;

(3) DSHS has not received all background check results under WAC 170-290-0143(1) and 170-290-0150; or

(4) DSHS determines a consumer's provider is not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care, or the household may be at risk of harm by this provider, as indicated by information other than conviction information. DSHS will use criteria, such as the following, when reviewing information about incidents, issues, reports, and findings:

(a) Recency;

(b) Seriousness;

(c) Type;

(d) Frequency; and

(e) Relationship of the information obtained to the direct care of a child, including but not limited to, impacts to the child's environmental, physical, nutritional, emotional, cognitive, safety, and social needs.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0143 ~~((Who must have a))~~ Background checks ~~((for the WCCC program and how often is the check done?))~~ --Required persons.

(1) Background checks for eligible licensed and certified providers are covered under chapter 170-06 WAC.

(2) A background check must be completed for:

(a) All in-home/relative providers who apply to care for a WCCC consumer's child; and

(b) Any individual sixteen years of age or older who is residing with a provider when the provider cares ~~((occurs outside of the child's))~~ for the child in the provider's own home.

~~((2))~~ (3) A background check must be completed for individuals listed in subsection ~~((4))~~

(2)(a) and (b) of this section at least every two years.

~~((3))~~ (4) Additional background checks must be completed for individuals listed in subsection ~~((4))~~ (2)(a) and (b) of this section when:

(a) Any individual sixteen years of age or older is newly residing with a provider when the provider cares ~~((occurs outside of the child's))~~ for the child in the provider's own home;

(b) ~~((We have))~~ DSHS has a valid reason to ~~((do a))~~ check more frequently;

(c) An in-home/relative provider applies to provide care for a family, such as when:

(i) A break in service occurs to the current consumer;

(ii) There is a break in consumer eligibility; or

(iii) A provider is currently providing care and there are no prior background results for this provider.

~~((4-We do))~~ (5) DSHS does not need to request a new background check for an individual in subsection ~~((4))~~ (2)(a) or (b) if:

(a) ~~((We have))~~ DSHS has results that were received no more than ninety days prior to the current requested start date of care; and

(b) The results indicate ~~((that))~~ there is no record.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0145 ~~((Why is a))~~ Background checks ~~((required and will I be notified of the results?))~~ --Reasons and notification.

(1) ~~((We))~~ DSHS requires ~~((the))~~ background checks to:

(a) Help safeguard the health, safety, and well-being of children;

(b) Reduce the possible risk of harm from persons who have been convicted or have charges pending of certain crimes having access to WCCC children; and

(c) Help ~~((you))~~ consumers make informed decisions about individuals who have access to ~~((your))~~ their children.

(2) ~~((We notify you,))~~ DSHS notifies the WCCC consumer(=

~~((a) Whether we can approve the provider for the WCCC program; and~~

~~((b) Of the following results from the background check:~~

~~((i)))~~, after receiving the results of the background checks, if the consumer's chosen provider is an eligible provider under the WCCC rules.

(3) DSHS also notifies the consumer of the following results from the completed background checks:

(a) No background information is found given current sources of information;

~~((ii)))~~ (b) Background information is found, but the information will not disqualify the individual being checked; or

~~((iii)))~~ (c) Background information is found that disqualifies the individual being checked.

(4) It is the WCCC consumer's responsibility to monitor the in-home/relative provider's quality of care to ensure that the child's environmental, physical, nutritional, emotional, cognitive, safety, and social needs are being met.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0150 ~~((What information does the background check contain and where does it come from?))~~ **Background checks--Included information and sources.**

~~(1) ((The background information includes, at a minimum, criminal convictions and pending charges.~~

~~(2)))~~ DSHS obtains background information, at a minimum, from the Washington state patrol under chapter 10.97 RCW and RCW 43.43.830 through 43.43.837 via the background check central unit (BCCU).

(2) The background information includes, at a minimum, criminal convictions and pending charges. Additional sources may include:

(a) Child/adult protective service case information; ~~((and))~~

(b) Civil judgments, determinations, or disciplinary board final decisions of abuse or neglect~~((-~~

~~(3) We obtain background information, at a minimum, from the Washington state patrol under chapter 10.97 RCW via the background check central unit (BCCU).~~

~~(4) Additional sources of the background information may be obtained from:~~

~~(a) Child/adult protective service case files;~~

~~(b) Other states and federally recognized Indian tribes;~~

- ~~(e) The department of corrections and the courts;~~
- ~~(d) Law enforcement records of convictions and pending charges in other states or locations if:~~
 - ~~(i) The individual being checked has lived in another state; and~~
 - ~~(ii) Reports from credible community sources indicate a need to investigate another state's records.~~
- ~~(e) The individual being checked self-discloses information.));~~
- (c) Other states and federally recognized Indian tribes;
- (d) The department of corrections and the courts;
- (e) The individual being checked, if he or she self-discloses information; and
- (f) Law enforcement records of convictions and pending charges in other states or locations if reports from credible community sources indicate a need to investigate another state's records.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0155 ~~((What happens after the WCCC program receives the background information?))~~ **Background checks--Subsequent steps.** After ~~((we))~~ DSHS receives the background information ~~((we)), DSHS:~~

(1) Compares the background information with convictions ~~((posted on the DSHS secretary's crime and action list for background checks for economic services administration (ESA). You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/policy.shtml>))~~ of, or charges pending for crimes on the DEL director's list in WAC 170-06-0120;

(2) Reviews the background information using the following rules:

- (a) ~~((We))~~ DSHS gives the same weight to a pending charge for a crime as a conviction;
- (b) If the conviction has been renamed, ~~((we))~~ DSHS gives the same weight as the previous named conviction. For example, larceny is now called theft;
- (c) ~~((We))~~ DSHS gives convictions whose titles are preceded with the word "attempted" the same weight as those titles without the word "attempted"; and
- (d) ~~((We do))~~ DSHS does not consider the crime a conviction for the purposes of WCCC when:
 - (i) It has been pardoned; or
 - (ii) A court of law acts to expunge, dismiss, or vacate the conviction record.

(3) ~~((Notify you whether or not we are able to approve the provider for WCCC.~~

~~(4) Allow you, the consumer, to decide character and suitability of the provider when an individual is not automatically disqualified due to the background information from the record of arrests and prosecutions (RAP) sheet.~~

~~(5) Deny or stop payment when the background information disqualifies the individual being checked.~~

~~(6) Assist you in finding other child care arrangements.))~~ Notifies the consumer whether or not the provider has been disqualified for WCCC;

(4) Allows the consumer to decide character and suitability of the provider when an individual is not automatically disqualified due to the background information from the record of arrests and prosecutions (RAP) sheet or other information available to DSHS;

(5) Denies or stops payment when the background information disqualifies the individual being checked; and

(6) Assists the consumer in finding other child care arrangements.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0160 ~~((What convictions would cause the WCCC program to permanently disqualify my in-home/relative provider?))~~ **Background checks--Disqualified in-home/relative providers.**

(1) If ~~((your))~~ a consumer's provider or an individual listed in WAC ~~((388-290-0143))~~ 170-290-0143(1) has a background containing a permanently disqualifying conviction ~~((posted on the DSHS secretary's list of disqualifying convictions for ESA, we permanently disqualify the person as an in-home/relative child care provider for WCCC. You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/>))~~ for crimes on the DEL director's list in WAC 170-06-0120(1), DSHS permanently disqualifies the person as an in-home/relative provider for WCCC.

(2) If the conditions in WAC ~~((388-290-0167))~~ 170-290-0167 (1)(a) and (b) are met, the disqualifying background of an individual sixteen years of age or over living with the provider may not permanently disqualify the provider.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0165 ~~((Is there other background information or convictions that will disqualify my in-home/relative provider?))~~ **Background checks--Other disqualifying information for in-home/relative providers.**

(1) ~~((We))~~ DSHS can disqualify ~~((you))~~ a consumer's in-home/relative provider if the individual being checked has a background containing information other than conviction information that ~~((we))~~ DSHS determines:

(a) Makes the individual not of suitable character and competence or of sufficient physical or mental health to meet the needs of the child in care; or

(b) Puts the household at risk for harm.

(2) If an individual being checked has a background containing a five-year disqualifying conviction ~~((posted))~~ for crimes on the ~~((DSHS secretary's list of disqualifying convictions for ESA))~~ DEL director's list in WAC 170-06-0120(2), ~~((you))~~ the consumer's provider is disqualified as an in-home/relative ~~((child-care))~~ provider for WCCC for five years after the conviction date. ~~((You can find the complete list at <http://www1.dshs.wa.gov/esa/decel/>))~~

(3) If an individual being checked has:

(a) A conviction listed in subsection (2) of this section, and it has been more than five years; or

(b) Any conviction other than those ~~((posted))~~ crimes on the ~~((DSHS secretary's list of disqualifying convictions for ESA we will))~~ DEL director's list in WAC 170-06-0120, DSHS allows ~~((you))~~ the consumer to determine the provider's character, suitability, and competence by reviewing important information such as the:

(i) Amount of time that has passed since the conviction;

(ii) Seriousness of the crime that led to the conviction;

(iii) Individual's age at the time of conviction;

(iv) Individual's behavior since the conviction;

(v) Number and types of convictions in the individual's background; and

(vi) Individual's verification, if any, of successful completion of all court-ordered programs and restitution.

(4) If conditions in WAC ~~((388-290-0167))~~ 170-290-0167 (1)(a) and (b) are met, the disqualifying background of an individual sixteen years of age or over living with the provider may not disqualify the provider.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0167 ~~((What happens if my in-home/relative provider, who provides care in their home, is disqualified based solely on the disqualifying background of an individual living with that provider?))~~ Background checks--Disqualified person living with provider. ~~((1) If we disqualify your provider based solely on the disqualifying background of an individual living with that provider, we require that:~~

~~(a) Child care occurs in the child's home away from the disqualified individual, if you wish to continue using that provider; and~~

~~(b) The parent and provider sign an agreement with us indicating that:~~

~~(i) Care occurs in the child's home; and~~

~~(ii) There is no contact between the child and disqualified individual during child care hours.~~

~~(2) The parent may choose a licensed provider or submit an application for a different in-home/relative provider.~~

~~(3) If we become aware that the parent and provider are not meeting the conditions in subsection (1)(a) and (b) of this section:~~

~~(a) We terminate care without advance and adequate notice;~~

~~(b) You need to find a different provider; and~~

~~(c) You may be subject to an overpayment under WAC 388-290-0270.))~~ (1) If a consumer's in-home/relative provider is disqualified based only on the disqualifying background of a person living with the provider, then:

(a) Child care is allowed only in the child's home away from the disqualified individual, regardless of whether or not the provider meets the other qualifications listed in WAC 170-290-0130; and

(b) The consumer and provider sign an agreement with DSHS stating that:

(i) Care will occur only in the child's home; and

(ii) There is no contact between the child and disqualified person during child care hours.

(2) The consumer may also choose to select a licensed child care center or family child care home provider, or submit an application for a different in-home/relative provider.

(3) If DSHS becomes aware that the consumer and provider are not meeting the conditions in subsection (1)(a) and (b) of this section:

- (a) DSHS may terminate payments without notice; and
- (b) The consumer may be subject to an overpayment under WAC 170-290-0271.

Subsidy Rates and Fees

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0180 ~~((When are the WCCC program subsidy rates in this chapter effective?))~~ **WCCC subsidy rates--Effective date.** ~~((DSHS))~~ State child care subsidy rates (daily, half-day and hourly) in part II of this chapter are effective on ~~((or after November))~~ July 1, ((2005)) 2009, and are subject to legislative change.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0185 ~~((How does the WCCC program set rates when my child is five years old?))~~ **WCCC subsidy rates--Five-year-old children.** The rate paid for a five-year-old child is:

- (1) The preschool rate for a child who has not entered kindergarten; or
- (2) The school-age rate for a child who has entered kindergarten.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0190 ~~((What does the WCCC program pay for and when can the program pay more?))~~ **WCCC authorized and additional payments--Determining units of care.**

- (1) ~~((We))~~ DSHS may pay for the following child care hours:
 - (a) ~~((Basic child care hours, either full day,))~~ Half-day ((or hourly. We)) care, which is less than one hundred ten hours per calendar month; and
 - (b) Full-day care, which is one hundred ten or more hours per calendar month.

- (2) DSHS authorizes:

~~((i))~~ (a) Full-day child care to licensed or certified facilities and ~~((DSHS))~~ DEL contracted seasonal day camps when ~~((your))~~ a consumer's children need care for five or more hours per day;

~~((ii))~~ (b) Half-day child care to licensed or certified facilities and ~~((DSHS))~~ DEL contracted seasonal day camps when ~~((your))~~ a consumer's children need care for less than five hours per day; ~~((and~~

~~((iii))~~ (c) Hourly child care for in-home/relative child care~~((:))~~;

~~((b))~~ (d) A registration fee (under WAC ~~((388-290-0245))~~ 170-290-0245);

~~((e))~~ (e) A field trip fee (under WAC ~~((388-290-0245))~~ 170-290-0247); ~~((and~~

~~((d))~~ (f) Special needs care when the child has a documented need for a higher level of care (under WAC ~~((388-290-0220, 388-290-0225, 388-290-0230, and 388-290-0235))~~ 170-290-0220, 170-290-0225, 170-290-0230, and 170-290-0235); and

(g) A nonstandard hours bonus under WAC 170-290-0249.

~~((2-We))~~ (3) DSHS may authorize up to the provider's ~~((usual-daily))~~ private pay rate if:

(a) The parent is a ~~((mandatory))~~ WorkFirst participant; and

(b) Appropriate child care, at the ~~((DSHS))~~ state rate, is not available within a reasonable distance from the home or work (activity) site.

"Appropriate" means licensed or certified child care ~~((approvable))~~ under WAC ~~((388-290-0125))~~ 170-290-0125, or an approved in-home/relative provider under WAC 170-290-0130.

"Reasonable distance" is determined by comparing what other local families must travel to access appropriate child care.

~~((3-We))~~ (4) DSHS authorizes an additional amount of care if:

(a) More than ten hours of care is provided per day (up to a maximum of sixteen hours a day); and

(b) The provider's policy is to charge all families for these extra hours.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0200 ~~((What))~~ Daily ~~((rates does DSHS pay for))~~ child care ~~((in-a))~~ rates--Licensed or certified child care centers ~~((or DSHS))~~ and DEL contracted seasonal day camps~~((?))~~;

(1) ~~((We))~~ DSHS pays the lesser of the following to a licensed or certified child care center or ~~((DSHS))~~ DEL contracted seasonal day camp:

(a) The provider's ~~((usual daily))~~ private pay rate for that child; or

(b) The ~~((DSHS))~~ maximum child care subsidy daily rate for that child as listed in the following table:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 12 yrs)
Region 1	Full-Day	\$((25.89)) <u>28.53</u>	\$((21.77)) <u>23.99</u>	\$((20.57)) <u>22.67</u>	\$((19.36)) <u>21.34</u>
		\$((12.95)) <u>14.28</u>	\$((10.89)) <u>12.00</u>	\$((10.29)) <u>11.34</u>	\$((9.68)) <u>10.67</u>
	Half-Day				
Spokane County	Full-Day	\$((26.48)) <u>29.18</u>	\$((22.27)) <u>24.54</u>	\$((21.04)) <u>23.19</u>	\$((19.80)) <u>21.83</u>
		\$((13.25)) <u>14.61</u>	\$((11.14)) <u>12.28</u>	\$((10.53)) <u>11.61</u>	\$((9.90)) <u>10.91</u>
	Half-Day				
Region 2	Full-Day	\$((26.44)) <u>28.81</u>	\$((21.83)) <u>24.05</u>	\$((20.23)) <u>22.30</u>	\$((17.94)) <u>19.73</u>
		\$((13.07)) <u>14.41</u>	\$((10.92)) <u>12.03</u>	\$((10.12)) <u>11.15</u>	\$((8.96)) <u>9.88</u>
	Half-Day				
Region 3	Full-Day	\$((34.60)) <u>38.13</u>	\$((28.84)) <u>31.79</u>	\$((24.92)) <u>27.46</u>	\$((24.20)) <u>26.67</u>
		\$((17.30)) <u>19.07</u>	\$((14.42)) <u>15.89</u>	\$((12.46)) <u>13.73</u>	\$((12.10)) <u>13.34</u>
	Half-Day				
Region 4	Full-Day	\$((40.27)) <u>44.38</u>	\$((33.63)) <u>37.06</u>	\$((28.21)) <u>31.09</u>	\$((25.40)) <u>28.00</u>
		\$((20.44)) <u>22.63</u>	\$((16.82)) <u>18.54</u>	\$((14.11)) <u>15.55</u>	\$((12.70)) <u>14.00</u>
	Half-Day				
Region 5	Full-Day	\$((29.52)) <u>32.54</u>	\$((25.40)) <u>28.00</u>	\$((22.36)) <u>24.65</u>	\$((19.85)) <u>21.88</u>
		\$((14.76)) <u>16.26</u>	\$((12.70)) <u>14.00</u>	\$((11.18)) <u>12.32</u>	\$((9.93)) <u>10.95</u>
	Half-Day				
Region 6	Full-Day	\$((29.03)) <u>31.99</u>	\$((24.92)) <u>27.46</u>	\$((21.77)) <u>23.99</u>	\$((21.29)) <u>23.46</u>
		\$((14.52)) <u>16.01</u>	\$((12.46)) <u>13.73</u>	\$((10.89)) <u>12.00</u>	\$((10.65)) <u>11.74</u>
	Half-Day				

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) The child care center WAC (~~((388-295-0010))~~ 170-295-0010) allows providers to care for children from one month up to and including the day before their thirteenth birthday. The provider must obtain a child-specific and time-limited waiver from their child care licensor to provide care for a child outside the age listed on their license.

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited waiver and the child must meet the special needs requirement according to WAC (~~((388-290-0220))~~ 170-290-0220).

~~((4) Rates for Spokane County are subject to special funding allocated by the Legislature in the state operating budget. If the special funds are not allocated Region 1 rates apply to Spokane County.))~~

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0205 ~~((What daily rates does DSHS pay for child care in a licensed or certified family home child care?))~~ Daily child care rates--Licensed or certified family home child care providers.

(1) ~~((We))~~ DSHS pays the lesser of the following to a licensed or certified family home child care provider:

(a) The provider's ~~((usual daily))~~ private pay rate for that child; or

(b) The ~~((DSHS))~~ maximum child care subsidy daily rate for that child as listed in the following table.

		Infants (Birth - 11 mos.)	<u>Enhanced</u> <u>Toddlers</u> (12 - 17 mos.)	Toddlers ((42)) <u>18</u> - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 11 yrs)
Region 1	Full-Day	\$((21.29)) <u>24.29</u>	<u>\$24.29</u>	\$((19.16)) <u>21.12</u>	\$((19.16)) <u>21.12</u>	\$((17.04)) <u>18.78</u>
	Half-Day	\$((10.65)) <u>12.14</u>	<u>\$12.14</u>	\$((9.58)) <u>10.56</u>	\$((9.58)) <u>10.56</u>	\$((8.52)) <u>9.39</u>
Spokane County	Full-Day	\$((21.78)) <u>24.84</u>	<u>\$24.84</u>	\$((19.60)) <u>21.60</u>	\$((19.60)) <u>21.60</u>	\$((17.43)) <u>19.21</u>
	Half-Day	\$((10.89)) <u>12.42</u>	<u>\$12.42</u>	\$((9.80)) <u>10.80</u>	\$((9.80)) <u>10.80</u>	\$((8.71)) <u>9.60</u>
Region 2	Full-Day	\$((21.29)) <u>25.65</u>	<u>\$25.65</u>	\$((20.23)) <u>22.30</u>	\$((18.10)) <u>19.95</u>	\$((18.10)) <u>19.95</u>
	Half-Day	\$((10.65)) <u>12.82</u>	<u>\$12.82</u>	\$((10.12)) <u>11.15</u>	\$((9.05)) <u>9.97</u>	\$((9.05)) <u>9.97</u>

Region 3	Full-Day	\$((30.88)) <u>34.03</u>	<u>\$34.03</u>	\$((26.62)) <u>29.33</u>	\$((23.42)) <u>25.81</u>	\$((21.29)) <u>23.46</u>
	Half-Day	\$((15.44)) <u>17.02</u>	<u>\$17.02</u>	\$((13.31)) <u>14.67</u>	\$((11.71)) <u>12.91</u>	\$((10.65)) <u>11.74</u>
Region 4	Full-Day	\$((31.94)) <u>40.04</u>	<u>\$40.04</u>	\$((31.59)) <u>34.81</u>	\$((26.62)) <u>29.33</u>	\$((25.55)) <u>28.16</u>
	Half-Day	\$((15.97)) <u>20.03</u>	<u>\$20.03</u>	\$((15.80)) <u>17.42</u>	\$((13.31)) <u>14.67</u>	\$((12.78)) <u>14.08</u>
Region 5	Full-Day	\$((23.42)) <u>26.99</u>	<u>\$26.99</u>	\$((21.29)) <u>23.46</u>	\$((20.23)) <u>22.30</u>	\$((18.10)) <u>19.95</u>
	Half-Day	\$((11.71)) <u>13.50</u>	<u>\$13.50</u>	\$((10.65)) <u>11.74</u>	\$((10.12)) <u>11.15</u>	\$((9.05)) <u>9.97</u>
Region 6	Full-Day	\$((23.42)) <u>26.99</u>	<u>\$26.99</u>	\$((21.29)) <u>23.46</u>	\$((21.29)) <u>23.46</u>	\$((20.23)) <u>22.30</u>
	Half-Day	\$((11.71)) <u>13.50</u>	<u>\$13.50</u>	\$((10.65)) <u>11.74</u>	\$((10.65)) <u>11.74</u>	\$((10.12)) <u>11.15</u>

(2) The family home child care WAC (~~((388-296-0020 and 388-296-1350))~~ 170-296-0020 and 170-296-1350) allows providers to care for children from birth up to and including the day before their twelfth birthday. The provider must obtain a child-specific and time-limited waiver from their child care licensor to provide care for a child outside the age listed on their license. If the provider has a waiver to care for a child who has reached their twelfth birthday, the payment rate is the same as subsection (1) of this section, and the five to eleven year age range column is used for comparison.

(3) If the family home provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited waiver and the child must meet the special needs requirement according to WAC (~~((388-290-0220))~~ 170-290-0220).

(4) ~~((We))~~ DSHS pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection (5) of this section). Refer to subsection (1) and the five to eleven year age range column for comparisons.

(5) ~~((We))~~ DSHS cannot pay family home child care providers to provide care for children in their care if the provider is:

- (a) The child's biological, adoptive or step-parent;
- (b) ~~((The child's nonneedy or needy relative or that relative's spouse or live-in partner;~~
- ~~((e)))~~ The child's legal guardian or the guardian's spouse or live-in partner; or
- ~~((d)))~~ (c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

~~((6)) Rates for Spokane County are subject to special funding allocated by the Legislature in the state operating budget. If the special funds are not allocated Region 1 rates apply to Spokane County.))~~

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0220 ~~((How does DSHS determine that my child qualifies for a))~~
Special needs ((daily)) rates((?))--Qualification. To qualify for the ~~((DSHS child care programs))~~ special needs ~~((subsidy))~~ daily rate your child must either:

(1) Be thirteen up to nineteen years old and be under court supervision; or

(2) Be ~~((under))~~ less than nineteen years old~~((;))~~; and~~((;))~~

(a) Have a verified physical, mental, emotional, or behavioral condition that requires a higher level of care while in the care of the licensed or certified facility, a ~~((DSHS))~~ DEL contracted seasonal day camp or in-home/relative provider; and

(b) Have their condition and need for higher level of care verified by an individual who is not employed by the child care facility and is either a:

(i) Health, mental health, education or social service professional with at least a master's degree; or

(ii) Registered nurse.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0225 ~~((What is the additional subsidy daily rate for children with))~~
Special needs ((in a licensed or certified)) rates--Child care centers ((or DSHS contracted))
and seasonal day camps((?)).

(1) In addition to the rate listed in WAC ~~((388-290-0200))~~ 170-290-0200, ~~((we))~~ DSHS authorizes special needs daily rates to licensed or certified child care centers or ~~((DSHS))~~ DEL contracted seasonal day camps according to whichever of the following is greater:

(a) The provider's reasonable documented additional cost associated with the care of the child; or

(b) The daily rate listed in the table below after ~~((you have))~~ a consumer has verified that ~~((your))~~ his or her child has a special need and requires a higher level of care according to WAC ~~((388-290-0220))~~ 170-290-0220:

Infants	Toddlers	Preschool	School-age (5 - 12 yrs)
(One month - 11 mos.)	(12 - 29 mos.)	(30 mos. - 5 yrs)	

DEL Child Care Subsidy Rules - Proposed
Changes

49 of 83

Region 1	Full-Day	\$7.30	\$6.14	\$5.80	\$5.45
	Half-Day	\$3.65	\$3.07	\$2.90	\$2.73
Region 2	Full-Day	\$7.36	\$6.15	\$5.70	\$5.05
	Half-Day	\$3.68	\$3.08	\$2.85	\$2.52
Region 3	Full-Day	\$9.75	\$8.13	\$7.02	\$6.82
	Half-Day	\$4.88	\$4.06	\$3.51	\$3.41
Region 4	Full-Day	\$11.35	\$9.48	\$7.95	\$7.16
	Half-Day	\$5.67	\$4.74	\$3.98	\$3.58
Region 5	Full-Day	\$8.32	\$7.16	\$6.30	\$5.59
	Half-Day	\$4.16	\$3.58	\$3.15	\$2.80
Region 6	Full-Day	\$8.18	\$7.02	\$6.14	\$6.00
	Half-Day	\$4.09	\$3.51	\$3.07	\$3.00

(i) Centers in Clark County are paid Region 3 rates.

(ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) The child care provider must verify the child's additional care needs when they request a rate above that listed in subsection (1)(b) of this section. The verification should include details about all of the child's additional needs while in child care in relevant areas such as environmental accommodations, ambulation, eating, personal hygiene, communication, and behavior.

(3) If a provider is requesting one-on-one supervision or direct care for the child with special needs the person providing the one-on-one care must be:

(a) At least eighteen years of age; and

(b) Meet the requirements for being an assistant under chapter ~~((388-295))~~ 170-295 WAC.

(4) If the provider has a waiver to care for a child who:

(a) Is thirteen years or older; and

(b) Has special needs according to WAC ~~((388-290-0220))~~ 170-290-0220, ~~((we))~~ DSHS authorizes the special needs payment rate as described in subsection (1) of this section using the five to twelve year age range for comparison.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)**WAC 170-290-0230** ~~((What is the additional subsidy daily rate for children with))~~
Special needs ((in a licensed or certified)) rates--Family home child care((?)) providers.

(1) In addition to the rate listed in WAC ~~((388-290-0205))~~ 170-290-0205, ~~((we))~~ DSHS authorizes special needs daily rates to licensed or certified family home child care providers according to whichever of the following is greater:

(a) The provider's reasonable documented additional cost associated with the care of the child; or

(b) The daily rate listed in the table below after ~~((you have))~~ a consumer has verified that ((your)) his or her child has a special need and requires a higher level of care according to WAC ~~((388-290-0220))~~ 170-290-0220:

		Infants (Birth - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 5 yrs)	School-age (5 - 11 yrs)
Region 1	Full-Day	\$6.00	\$5.40	\$5.40	\$4.80
	Half-Day	\$3.00	\$2.70	\$2.70	\$2.40
Region 2	Full-Day	\$6.00	\$5.70	\$5.10	\$5.10
	Half-Day	\$3.00	\$2.85	\$2.55	\$2.55
Region 3	Full-Day	\$8.70	\$7.50	\$6.60	\$6.00
	Half-Day	\$4.35	\$3.75	\$3.30	\$3.00
Region 4	Full-Day	\$9.00	\$8.90	\$7.50	\$7.20
	Half-Day	\$4.50	\$4.45	\$3.75	\$3.60
Region 5	Full-Day	\$6.60	\$6.00	\$5.70	\$5.10
	Half-Day	\$3.30	\$3.00	\$2.85	\$2.55
Region 6	Full-Day	\$6.60	\$6.00	\$6.00	\$5.70
	Half-Day	\$3.30	\$3.00	\$3.00	\$2.85

(2) A family home child care provider must verify the child's additional care needs when they request a rate above that listed in subsection (1)(b) of this section. The verification should include details about all of the child's additional needs while in child care in relevant areas such as environmental accommodations, ambulation, eating, personal hygiene, communication, and behavior.

(3) If the provider has a waiver to care for a child who:

(a) Is twelve years or older; and

(b) Has special needs according to WAC ~~((388-290-0220))~~ 170-290-0220, ~~((we))~~ DSHS authorizes the special needs payment rate as described in subsection (1) of this section using the five to eleven year age range for comparison.

(4) If a provider is requesting one-on-one supervision/direct care for the child with special needs~~((:))~~, the person providing the one-on-one care must be:

(a) At least eighteen years old; and

(b) Meet the requirements for being an assistant under chapter ~~((388-155))~~ 170-296 WAC.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0235 ~~((What is the DSHS in-home/relative child care daily rate for children with))~~ Special needs(?) rates--In-home/relative providers.

(1) ~~((We))~~ DSHS authorizes a base rate of two dollars and ~~((six))~~ twenty cents an hour for in-home/relative child care when a child has verified special needs and requires a higher level of care according to WAC ~~((388-290-0220))~~ 170-290-0220.

(2) In addition to the base rate, ~~((we))~~ the state authorizes whichever of the following is greater:

(a) Sixty-two cents per hour, for a total of two dollars and eighty-two cents per hour; or

(b) The provider's reasonable documented additional cost associated with the care for that child while the child is in the child care setting.

(3) The in-home/relative provider must verify the child's additional care needs when they request a rate above that listed in subsection ~~((4))~~ (2)(a) of this section. The verification must include details about all the child's additional needs while in child care in relevant areas such as environmental accommodations, ambulation, eating, personal hygiene, communication, and behavior.

(4) If other children in the home are also authorized for in-home/relative care with the same provider, ~~((we))~~ DSHS authorizes the lesser of the following:

(a) Two dollars and ~~((six cents an hour for the child needing the most care; and~~

~~((One dollar and three cents an hour for any additional children))~~ twenty cents per hour for the child who needs the greatest number of hours of care and two dollars and seventeen cents per hour for the care of each additional child in the family; or

(b) An amount less than the state's rate.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0240 ~~((What is the DSHS child care subsidy rate for in-home/relative child care and how is it paid?))~~ **Child care subsidy rates--In-home/relative providers.**

(1) When ~~((you))~~ a consumer employs an in-home/relative provider, the maximum ~~((we))~~ DSHS pays for child care is the lesser of the following:

(a) Two dollars and ~~((six))~~ twenty cents per hour for the child who needs the greatest number of hours of care and ~~((one))~~ two dollars and ~~((three))~~ seventeen cents per hour for the care of each additional child in the family; or

(b) ~~((The provider's usual hourly rate for that care.))~~ An amount less than the state's rate.

(2) ~~((We))~~ DSHS may pay above the maximum hourly rate for children who have special needs under WAC ~~((388-290-0235))~~ 170-290-0235.

(3) ~~((We))~~ DSHS makes the WCCC payment directly to ~~((your))~~ a consumer's eligible provider.

(4) When appropriate, ~~((we))~~ DSHS pays ~~((your-))~~ the employer's ~~((s))~~ share of the following:

(a) Social Security and medicare taxes (FICA) up to the wage limit;

(b) Federal Unemployment Taxes (FUTA); and

(c) State unemployment taxes (SUTA) when applicable.

(5) If an in-home/relative ~~((child care))~~ provider receives less than the wage base limit per family in a calendar year, ~~((we))~~ DSHS refunds all withheld taxes to the provider.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0245 ~~((When can the WCCC program authorize payment of fees for))~~ **Registration((?)) fees.**

(1) ~~((We))~~ DSHS may pay licensed or certified child care providers and ~~((DSHS))~~ DEL contracted seasonal day camps a registration fee ~~((once per calendar year of fifty dollars per child or the provider's usual fee, whichever is less only if the fees are:~~

~~((a) Required of all parents whose children are in care with that provider; and~~

~~(b) Needed to maintain the child care arrangement.~~

~~(2) The registration fee may be authorized more than once per calendar year when:~~

~~(a) There is a break in your child care services for more than sixty days and the provider's policy is to charge an additional registration fee when there is a break in care; or~~

~~(b) The children change child care providers and the new provider meets subsection (1)(a) and (b) of this section.));~~

(a) A child is first enrolled by the consumer for child care with a provider;

(b) A consumer enrolls their child with a new child care provider during their eligibility period;

(c) A child has more than a sixty-day break in child care services with the same provider, and it is the provider's policy to charge all parents this fee when there is a break in service.

(2) A registration fee will be paid only once per calendar year for children who are cared for by the same provider, even if the provider receives subsidy payments under different subsidy programs during this time period for the enrolled children, unless there is a break of sixty days or more as provided in subsection (1)(c) of this section.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0247 ~~((When can the WCCC program authorize payment for))~~ **Field trip fees**~~((?))~~;

(1) ~~((We))~~ DSHS pays licensed or certified child care providers and ~~((DSHS))~~ DEL contracted seasonal day camps a monthly field trip fee up to twenty dollars per child or the provider's actual cost for the field trip, whichever is less, only if the fees ~~((meet the conditions in subsection (1)(a) and (b) of WAC 388-290-0245))~~ are required of all parents whose children are in the provider's care. The field trip fee is to cover the provider's actual expenses for:

(a) Admission;

(b) Transportation (not to include the provider's gas and insurance); and

(c) The cost of hiring a nonemployee to provide an in-house field trip activity.

(2) The field trip fee can only be reimbursed for children three years of age and older. In-home/relative and licensed family home child care providers are exempt from this subsection.

NEW SECTION**WAC 170-290-0249 Nonstandard hours bonus.**

(1) A consumer's provider may receive a nonstandard hours bonus (NSHB) payment of fifty dollars per child per month for care provided in January 2008 or later if:

- (a) The provider is licensed or certified;
- (b) The provider provides at least forty hours of nonstandard hours care during one month; and
- (c) The total cost of the NSHB to the state does not exceed the amount appropriated for this purpose by the legislature for the current state fiscal year.

(2) Nonstandard hours are defined as:

- (a) Weekdays before 6 a.m. or after 6 p.m.;
- (b) Saturdays and Sundays; and
- (c) Legal holidays, as defined in RCW 1.16.050.

Payment DiscrepanciesNEW SECTION**WAC 170-290-0266 Payment discrepancies--Generally.**

- (1) Payment discrepancies include both underpayments and overpayments.
- (2) For providers or consumers not covered under WAC 170-290-0267 through 170-290-0275, payment discrepancies are subject to chapter 388-410 WAC (benefit errors).
- (3) For providers covered under the collective bargaining agreement, all other payment discrepancy issues are covered under WAC 170-290-0275.

NEW SECTION**WAC 170-290-0267 Payment discrepancies--Provider underpayments.**

- (1) Underpayments to a provider occur if DSHS pays less than the amount the provider is eligible to receive.
- (2) Underpayment requests will only be considered by DSHS if the provider submitted his or her original invoice for payment to DSHS no later than twelve months after the date of service.

NEW SECTION**WAC 170-290-0268 Payment discrepancies--Provider overpayments.**

- (1) An overpayment occurs when a provider receives a payment that is more than the provider is eligible to receive. DSHS establishes overpayments for providers when that provider:
 - (a) Bills and receives payment for services not provided;
 - (b) Does not have attendance records that comply with WAC 170-290-0138 and chapters 170-151, 170-295, or 170-296 WAC, or for in-home/relative providers as provided in this chapter. Only attendance records meeting WAC requirements will be accepted for attendance verification;
 - (c) Bills and receives payment for more than they are eligible to bill; or
 - (d) With respect to licensed or certified providers only, is caring for a WCCC child outside their licensed allowable age range without a waiver.
- (2) DEL's or DSHS's WCCC program staff may request documentation from a provider when preparing to establish an overpayment. The provider has fourteen consecutive calendar days to supply any requested documentation.
- (3) Providers are required to repay any payments that they were not eligible to receive.
- (4) If an overpayment was made through departmental error, the provider is still required to repay that amount.
- (5) When establishing an overpayment, DSHS reduces the overpayment by the amount of the underpayment when applicable.
- (6) Absent days can be added to an overpayment when care is used or billed when the consumer was not eligible as provided in WAC 170-290-0032 or care is billed incorrectly.

NEW SECTION

WAC 170-290-0269 Payment discrepancies--Consumer underpayments. If a copayment amount determined by DSHS for a consumer results in an underpayment, the consumer may request reimbursement within three years of the date of child care service, if he or she:

- (1) Meets all WCCC eligibility requirements during the time he or she is claiming an underpayment; and
- (2) Verifies all copayments made by the consumer to the provider during the time the consumer is claiming an underpayment.

AMENDATORY SECTION (Amending WSR 08-08-047, filed 3/27/08, effective 3/27/08)

WAC 170-290-0271 ~~((When might I get an))~~ Payment discrepancies--Consumer overpayments((?)).

~~((You get WCCC overpayments whether you are a current or past WCCC consumer, when we make payment for WCCC benefits and))~~ (1) DSHS establishes overpayments for past or current consumers when:

~~((1) You are))~~ (a) The consumer is no longer eligible ~~((or you are))~~ for benefits;

(b) The consumer is eligible for a smaller amount of care than authorized, such as using care for an unapproved activity or for children not in ~~((your))~~ his or her WCCC household;

~~((2) You))~~ (c) The consumer fails to report information to ~~((us))~~ DSHS that results in an error in ~~((our determination of:~~

~~((a) Your))~~ determining eligibility ~~((;~~

~~((b) The))~~ , amount of care authorized ~~((;))~~ , or

~~((c) The amount of your))~~ copayment ~~((;))~~ ;

~~((3) Your))~~ (d) The consumer's provider is not an eligible provider per WAC ~~((388-290-0140))~~ 170-290-0125; or

~~((4) Your))~~ (e) The consumer's child is not eligible per WAC ~~((388-290-0015 or 388-290-0020))~~ 170-290-0015 or 170-290-0020.

(2) DEL's or DSHS's staff may request documentation from a consumer when preparing to establish an overpayment. The consumer has fourteen consecutive calendar days to supply any requested documentation.

(3) Consumers are required to repay any benefits paid by DSHS that they were not eligible to receive.

(4) If an overpayment was made through departmental error, the consumer is still required to repay that amount.

(5) When establishing an overpayment, DSHS reduces the overpayment by the amount of the underpayment when applicable.

(6) Absent days can be added to an overpayment when care is used or billed when the consumer was not eligible as provided in WAC 170-290-0032 or care is billed incorrectly.

NEW SECTION

WAC 170-290-0275 Payment discrepancies--Providers covered under collective bargaining.

(1) This section applies to any provider covered under the collective bargaining agreement.

(2) For in-home/relative and licensed family home child care providers, disputes regarding underpayments shall be grievable.

(3) Beginning July 1, 2007, there are different time frames for how far back a payment discrepancy may be corrected. The time frames, as provided in this subsection are based on:

(a) When services were provided;

(b) When the request for the underpayment was made; and

(c) The type of provider: Family home or in-home/relative provider.

(4) Family home and in-home/relative providers must submit a claim for payment no later than twelve months after the date of service. "Submitting a claim for payment" means turning the original invoice in to DSHS for services no later than twelve months after the date of service. If the claim for payment is made within the twelve-month period, the time limits for correcting payment errors are:

(a) Two years back if the error is on rates paid by age and/or region, unless discovered by a federal audit. This means the provider has up to two years after the date of service to ask for a corrected payment; or

(b) Three years back if the error was for any other reason, including those discovered by a federal audit. This means the provider has up to three years after the date of service to ask for a corrected payment.

Administrative Hearings - WCCC

NEW SECTION

WAC 170-290-0280 Right to request an administrative hearing.

- (1) WCCC consumers have a right to request a hearing under chapter 388-02 WAC on any action affecting WCCC benefits except for mass changes resulting from a change in policy or law.
- (2) Licensed or certified child care providers or in-home/relative providers may request hearings under this chapter and chapter 388-02 WAC only for WCCC overpayments.
- (3) To request a hearing, a consumer, the licensed/certified provider, or in-home/relative provider:
 - (a) Contacts the office which sent them the notice; or
 - (b) Writes to the office of administrative hearings, P.O. Box 42488, Olympia, WA 98504-2488; and
 - (c) Makes the request for a hearing within:
 - (i) Ninety days of the date a decision is received for consumers; or
 - (ii) Twenty-eight days of the date a decision is received for providers.
- (4) The office of administrative hearings administrative law judge enters orders in overpayment cases under WAC 388-02-0217.
- (5) To request a hearing under the seasonal child care program, see WAC 170-290-3910 and 170-290-3920.

NEW SECTION

WAC 170-290-0285 Receipt of WCCC benefits pending the outcome of an administrative hearing.

- (1) A consumer may receive WCCC benefits pending the outcome of a hearing if he or she requests the hearing:
 - (a) On or before the effective date of an action; or
 - (b) No more than ten days after DSHS sends the consumer a notice of adverse action.

"Adverse action" means an action to reduce or terminate a consumer's WCCC benefits.

(2) If a consumer loses a hearing, any WCCC benefit that a consumer uses between the date of the adverse action and the date of the hearing decision is an overpayment to the consumer.

(3) A consumer may not receive WCCC benefits pending the outcome of a hearing if he or she requests payment to a provider who is not eligible under WAC 170-290-0125.

(4) A consumer may receive WCCC benefits for another eligible provider, pending the outcome of the hearing.

PART III. SEASONAL CHILD CARE

Introduction

NEW SECTION

WAC 170-290-3501 Program funding--Waiting lists. The seasonal child care (SCC) program is subject to available funds and creates waiting lists when budget limits occur.

NEW SECTION

WAC 170-290-3510 SCC definitions. The following definitions apply only to part III of this chapter relating to seasonal child care (SCC):

(1) "Application interview date" means the first date a consumer, as defined in WAC 170-290-0003, meets with the SCC contractor to see if the consumer is eligible for subsidy benefits.

(2) "Child care plan" means a state form filled out by the SCC contractor that tells the consumer and provider:

(a) When benefits start and end;

(b) The amount of the copayment; and

(c) The approved hours of care.

(3) "SCC contractor" means the agency that DEL has contracted with to meet with families to see if they are eligible for the seasonal child care program. SCC contractors are located in

several communities across the state. SCC contractors are responsible to follow the SCC rules that DEL has established.

(4) "Seasonally available labor" or "seasonally available agricultural related work" means labor that is available only in a specific season during part of the calendar year. The labor is directly related to the cultivation, production, harvesting or processing of fruit trees or crops.

(5) "Waiting list" means a list of families who are currently working and waiting for seasonal child care subsidies when funding is not available to meet the requests from all eligible families.

Eligibility Requirements

NEW SECTION

WAC 170-290-3520 Eligible consumers.

(1) In SCC, an eligible consumer is not currently receiving temporary aid for needy families (TANF), lives in the state of Washington, has parental control of one or more children, and is the child's:

- (a) Parent, either biological or adopted;
- (b) Stepparent;
- (c) Legal guardian as verified by a legal or court document;
- (d) Adult sibling or step-sibling;
- (e) Aunt;
- (f) Uncle;
- (g) Niece or nephew;
- (h) Grandparent; or
- (i) Any of the above relatives with the prefix "great," such as great-aunt.

(2) Consumers may be eligible for SCC benefits if they:

- (a) Meet eligibility requirements in this chapter;
- (b) Participate in an approved activity under WAC 170-290-3555; and
- (c) Have countable income at or below two hundred percent of the federal poverty guidelines (FPG) described in WAC 170-290-3640.

(3) If a consumer's copayment, under WAC 170-290-0075, is higher than the maximum monthly state rate for all of the consumer's children in care, then the consumer is not eligible for SCC benefits.

(4) Consumers are not eligible for SCC benefits if they:

(a) Were employed with one employer more than eleven months in the previous twelve months;

(b) Are receiving TANF benefits;

(c) Have a monthly copayment that is higher than the rate the state will pay for all eligible children in care; or

(d) (i) Will be away from the home for more than thirty days in a row; and

(ii) Are the only parent in the household.

NEW SECTION

WAC 170-290-3530 Verifying consumers' information.

(1) A consumer must provide information to the SCC contractor to determine eligibility when:

(a) The consumer initially applies for benefits;

(b) The consumer reapplies for benefits; or

(c) A change of circumstances occurs.

(2) The SCC contractor may accept any verification that the consumer can easily obtain when it reasonably supports the consumer's statement of his or her circumstances. The verification that the consumer gives to the SCC contractor must:

(a) Clearly relate to information the SCC contractor is requesting;

(b) Be from a reliable source; and

(c) Be accurate, complete, current and consistent.

(3) The SCC contractor will accept a variety of forms of verification to show the consumer is eligible. For example, any of the following documents are accepted to show the child is in the home: School records, immunization records or birth certificates, or other type of documents.

(4) If the verification that a consumer gives to the SCC contractor is inconsistent, conflicting, outdated or confusing, the SCC contractor may:

(a) Ask a consumer to provide the SCC contractor with more information or documentation or provide a collateral contact (a "collateral contact" is a statement from someone outside of the consumer's residence that knows the consumer's situation); or

(b) Send an investigator from the division of fraud investigations (DFI) to make an unannounced visit to the consumer's home to verify the consumer's circumstances.

(5) If a consumer does not provide the SCC contractor with all of the verification that the SCC contractor has requested, the SCC contractor will determine if the consumer is eligible based on the information already available to the SCC contractor.

NEW SECTION

WAC 170-290-3540 Eligibility--Family size. DEL determines a consumer's family size by reviewing the individuals who live together in the same household as follows:

(1) If a consumer is:	Then DEL counts the following individuals as part of the family for SCC program eligibility:
(a) A single parent, including a minor parent, living independently or residing in her/his parent's home with her/his children.	The consumer and the consumer's children.
(b) Unmarried parents living together who have at least one mutual child.	Both parents and all their children living in the household.
(c) Unmarried parents living together with no mutual children.	Each parent and their own children, as separate families.
(d) Married parents living together.	Both parents and all their children living in the household.
(e) A legal guardian verified by a legal or court document; adult sibling or step-sibling; nephew or niece; aunt; uncle; grandparent; or great-aunt, great-uncle, or great-grandparent.	Only the children and their income.
(f) A family member who is voluntarily out of the household for reasons other than employment, such as visiting a family member.	The consumer, the absent parent and the children.

(g) A family member who is out of the household because of employer requirements, such as working in a different community, and is expected to return to the household.	The consumer, the absent individual, and the children. Subsection (1)(b) and (d) of this section apply.
(h) An incarcerated family member.	The absent person is removed from the household. DEL counts all remaining household members. All other family rules in this section apply.
(2) If the consumer's household includes:	Then in addition, DEL counts the sibling as part of the family for SCC program eligibility as follows:
(a) Eighteen year old siblings of the children who require care and are enrolled in secondary education or general equivalency diploma (GED) program.	The eighteen year olds (unless they are a parent themselves), until they turn nineteen or complete high school/GED, whichever comes first. All other family rules in this section apply.
(b) Siblings of the children requiring care who are up to twenty-one years old who are participating in a program through the school district's special education department under RCW 28A.155.020.	The person participating in the approved program through RCW 28A.155.020 up to twenty-one years of age (unless they are a parent themselves). All other family rules in this section apply.

NEW SECTION

WAC 170-290-3550 Eligibility--Special circumstances.

(1) A consumer may be eligible for the SCC program when he or she:

(a) Has children living with the consumer in Washington state:

(i) That are younger than age thirteen; or

(ii) That are thirteen to nineteen years old and under court supervision; or

(iii) Less than nineteen years old and have a verified special need according to WAC 170-290-0220;

(b) Is a parent in a two-parent family in which both parents work in seasonally available agricultural related work. If both parents are not employed in seasonally agricultural related work, the consumer may be eligible for SCC only when the other parent is "unable" to provide care for the children because of physical or mental restrictions. If a consumer claims one parent

is unable to care for the children, the consumer must provide written documentation from a licensed medical or mental health professional that states the:

- (i) Reason the parent is unable to care for the children; and
 - (ii) Expected duration and severity of the condition that keeps the parent from caring for the children.
- (2) The family's earned income must show fifty percent or more of his or her earned income for the previous twelve months comes from seasonally available agricultural related work.

NEW SECTION

WAC 170-290-3555 Eligibility--Approved activities.

- (1) A consumer may be eligible for SCC benefits for up to sixteen hours per day for the time he or she is involved in seasonally available agricultural related work in:
- (a) Washington state; or
 - (b) A bordering state within forty miles of Washington state.
- (2) When the consumer is part of a two-parent family, both parents must be employed as described in subsection (1) of this section;
- (3) Travel time between the child care location and the employment location only;
- (4) Job search, of no more than five days, if the consumer's seasonally available agricultural related work ends and he or she is still eligible and continues to need child care; and
- (5) Sleep time, up to eight hours per day when needed, if the consumer works nights and sleeps days.

Rights and Responsibilities

NEW SECTION

WAC 170-290-3560 Consumers' rights. When a consumer applies for or receives SCC benefits, he or she has the right to:

- (1) Be free from discrimination in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;

- (2) Have the consumer's application accepted and acted upon within thirty days;
- (3) Be informed, in writing, of the consumer's legal rights and responsibilities related to SCC benefits;
- (4) Have the consumer's information shared with other agencies only when required by federal or state regulations;
- (5) Be allowed to choose a provider as long as the provider meets requirements in WAC 170-290-3750;
- (6) Receive a written notice at least ten days before changes are made to lower or stop benefits except as stated in WAC 170-290-3570;
- (7) Ask for an administrative hearing if the consumer does not agree with a decision per WAC 170-290-3860;
- (8) Ask to speak to the SCC contractor's supervisor or administrator to review a decision or action affecting the consumer's benefits without affecting the consumer's right to an administrative hearing;
- (9) Have interpreter or translator services provided by the SCC contractor within a reasonable amount of time and at no cost to the consumer;
- (10) Refuse to speak to a fraud early detection (FRED) investigator from the department of social and health services division of fraud investigations when they ask to come into your home. This request will not affect eligibility for SCC program subsidies. If the consumer refuses to cooperate with the investigator at a later date, it could affect his or her benefits;
- (11) Access his or her child at all times while the child is in child care;
- (12) Terminate child care without cause and without notice to the provider. Notice must be given to the SCC contractor within five days of termination; and
- (13) Not be charged by the consumer's licensed or certified provider, or be made to pay, for:
 - (a) The difference between their private rate and the state maximum child care subsidy rate, when their private rate for child care or the registration fee is higher;
 - (b) Any day when the consumer's child is absent;
 - (c) Vacation days when the provider chooses to close;
 - (d) A higher amount than the state allows for field trips;
 - (e) A preschool tuition fee in addition to regular child care services; or
 - (f) Child care services after the final day of care, when the provider chooses to stop caring for the consumer's children.

NEW SECTION

WAC 170-290-3565 Consumers' responsibilities. When a consumer applies for or receives SCC benefits, he or she must:

- (1) Give the SCC contractor correct and current information so that the SCC contractor can determine the consumer's eligibility and authorize child care payments correctly;
- (2) Choose a provider who meets requirements of WAC 170-292-3750;
- (3) Leave the consumer's children with his or her provider while the consumer is in SCC approved activities. If the consumer is not in an approved activity and wants to use the provider, he or she must pay the provider if the provider wants payment;
- (4) Pay for additional child care that exceeds the authorization based on the same fees that are charged to other families;
- (5) Pay, or make arrangements for someone to pay, the consumer's SCC copayment directly to the child care provider. The child care plan tells the consumer and the provider that subsidy benefits are approved, when the subsidy benefits begin and when benefits stop, and how many hours a day benefits are approved;
- (6) Pay the provider the same late fees that are charged to other families, if the consumer pays a copayment late or picks up the child late;
- (7) Sign his or her children in and out of child care as provided in WAC 170-295-7030, 170-296-0520, or 170-151-460, as applicable, for that type of provider; and
- (8) Provide the information requested by the SCC contractor or the department of social and health services fraud early detection (FRED) investigator. If the consumer refuses to provide the information requested within ten days, it could affect his or her benefits. If the SCC contractor determines that a consumer is not cooperating with the requested information, the consumer will not be eligible for SCC benefits. The consumer may become eligible again when he or she meets SCC requirements in part III of this chapter, or when thirty days have passed since the consumer became ineligible.

NEW SECTION

WAC 170-290-3570 Notification of changes. When a consumer applies for or receives SCC benefits, he or she must:

- (1) Notify the SCC contractor, within five days, of any change in providers;
- (2) Notify his or her provider within ten days when the SCC contractor changes his or her child care authorization;

- (3) Give notice to the SCC contractor within ten days of any change in the consumer's:
- (a) Number of child care hours needed (more or less hours);
 - (b) Child becoming eligible for migrant Head Start or another child care program;
 - (c) Household income, including any new receipt of a TANF grant or child support increases or decreases;
 - (d) Household size such as any family member moving in or out of his or her home;
 - (e) Employment hours such as starting, stopping or changing employers;
 - (f) Home address and telephone number; or
 - (g) Child support payments made by the consumer.

NEW SECTION

WAC 170-290-3580 Failure to report changes.

- (1) If a consumer fails to report any changes as required in WAC 170-290-3570 within the stated time frames, DEL may establish an overpayment to the consumer per WAC 170-290-3850 or the consumer may have to pay additional costs, such as a higher copayment.
- (2) The consumer may receive an overpayment beyond what the provider is allowed to bill to include billing for absent days (see publication *Child Care Subsidies, A Booklet for Licensed and Certified Child Care Providers*, DEL 22-877, March 2007).

NEW SECTION

WAC 170-290-3590 SCC contractor's responsibilities to consumers. SCC contractors are community agencies that contract with DEL to perform SCC program authorizations. The SCC contractors and their staff must:

- (1) Treat consumers in accordance with all applicable federal and state nondiscrimination laws, regulations and policies;
- (2) Authorize SCC program subsidies for a consumer's children based on eligibility criteria established by DEL, as defined in this chapter;
- (3) Ask if a consumer has received, or is currently receiving, child care services from another subsidy program; and if he or she has received a copy of his or her termination letter from that

program;

(4) Ask if a consumer has applied, and been denied, for working connections child care (WCCC); and if he or she has, verify his or her denial from that program;

(5) Complete intake documents in a consumer's presence, based on information he or she provides;

(6) Accept a variety of forms of verification and may not specify the type of documentation required;

(7) Authorize payments only to a child care provider of a consumer's choice who meets the requirements in WAC 170-290-3750 and who allows the consumer to access his or her children whenever they are in care;

(8) Authorize payments only when no adult in a consumer's family (under WAC 170-290-3540) is able or available to care for the consumer's children as defined in WAC 170-290-3550;

(9) Give a consumer a SCC program approved child care plan in order to enroll his or her children in licensed or certified child care;

(10) Inform a consumer of:

(a) The consumer's copayment amount as determined in WAC 170-290-3620 and defined in WAC 170-290-0075;

(b) The consumer's rights and responsibilities under the SCC program when he or she applies or reapplies;

(c) The types of child care providers the SCC program will pay;

(d) The community resources that can help the consumer select child care when needed;

(e) Other options for child care subsidies, if the consumer does not qualify for SCC program subsidies; and

(f) The consumer's rights to an administrative hearing under the SCC program;

(11) Provide prompt child care authorizations to a consumer's child care provider;

(12) Respond to a consumer within ten days if the consumer reports a change of circumstance that affects the consumer's:

(a) SCC eligibility;

(b) Copayment; or

(c) Providers; and

(13) Provide an interpreter or translator service at no cost to the consumer to explain information related to the SCC program.

Income and Copayment Calculations

NEW SECTION

WAC 170-290-3610 Countable income. DEL counts income as money a consumer earns or receives from:

- (1) Wages and commissions earned from employment;
- (2) Unemployment compensation;
- (3) A TANF or other welfare grant;
- (4) Child support payments received;
- (5) Supplemental Security Income (SSI);
- (6) Other Social Security payments, such as Social Security Administration (SSA) and Social Security disability insurance (SSDI);
- (7) Refugee assistance payments;
- (8) Payments from the Veterans' Administration;
- (9) Pensions or retirement income;
- (10) Payments from labor and industries (L&I), or disability payments;
- (11) Inheritance;
- (12) Reportable gambling winnings; and
- (13) Other types of income not listed in WAC 170-290-3630.

NEW SECTION

WAC 170-290-3620 Calculation of income. For the SCC program, DEL uses a consumer's countable income when determining his or her income eligibility and copayment. DEL determines a consumer's average monthly income by totaling all income earned in the past twelve months, as listed in WAC 170-290-3610, and dividing by twelve. The last month of income that is counted is the month before the consumer applies for SCC.

NEW SECTION**WAC 170-290-3630 Excluded income and deductions.**

(1) The SCC program does not count the following income types when determining a consumer's income eligibility and copayment:

- (a) Savings accounts;
- (b) Money received from sale of real property, such as a house, or personal property, such as a car;
- (c) Tax refunds;
- (d) Earned income credits;
- (e) One-time insurance settlement payments;
- (f) Capital gains;
- (g) Basic Food program;
- (h) Income earned by children as described in WAC 170-290-3540;
- (i) Benefits received by children of Vietnam War veterans who are diagnosed with all forms or manifestations of spina bifida (except spina bifida occulta); and
- (j) Government economic stimulus payments.

(2) SCC deducts the amount a consumer pays for child support from his or her countable income when figuring his or her eligibility and copayment for the SCC.

NEW SECTION**WAC 170-290-3640 Determining income eligibility and copayment.**

(1) For the SCC program, DEL determines a consumer's family's income eligibility and copayment by:

- (a) The consumer's family size as defined under WAC 170-290-3540;
- (b) The consumer's average monthly income as calculated under WAC 170-290-3620;

(c) The consumer's family's average monthly income as compared to the federal poverty guidelines (FPG); and

(d) The consumer's family's average monthly income as compared to the copayment chart defined in WAC 170-290-0075.

(2) If a consumer's family's income is above the FPG as defined in WAC 170-290-0075, his or her family is not eligible for the SCC program.

(3) SCC does not prorate the copayment when a consumer uses care for part of a month.

(4) The FPG is updated every year on April 1. The SCC eligibility level is updated at the same time every year to remain current with the FPG.

(5) SCC shall assign a copayment amount based on the family's countable income. The copayment amount will be on the consumer's child care plan. The consumer pays the copayment directly to the provider.

NEW SECTION

WAC 170-290-3650 Change in copayment. A consumer's SCC program copayment could change when:

(1) DEL makes a mass change in subsidy benefits due to a change in law or program funding;

(2) The consumer's family size increases;

(3) The SCC contractor makes an error in the consumer's copayment computation;

(4) The consumer did not report all income, activity and household information at the time of eligibility determination or application/reapplication;

(5) The consumer is approved for a new eligibility period; or

(6) If a consumer's copayment changes during his or her eligibility period, the change is effective:

(a) On the first day of the month following the change, when:

(i) The report is made to the SCC contractor or the information is learned by the contractor within ten or more days after the change as provided in WAC 170-290-3570;

(ii) The consumer receives ten days written notice; and

(iii) The copayment is increasing; or

(b) On the first day of the month that the change occurred when;

(i) The report is made to the SCC contractor or the information is learned by the

contractor within ten days or less after the change as provided in WAC 170-290-3570; and

- (ii) The copayment is decreasing.

NEW SECTION

WAC 170-290-3660 Eligibility period. The SCC contractor may approve a consumer for a period up to six months. The first month of eligibility is the same month that child care begins. A consumer's eligibility may end before his or her end date as stated in WAC 170-290-3855.

Start Dates and Eligibility Period

NEW SECTION

WAC 170-290-3665 When SCC benefits start. The consumer's child care plan will tell the consumer when the benefits start and end.

(1) The SCC contractor authorizes child care subsidies when:

- (a) The consumer turns in all of his or her eligibility paperwork to the SCC contractor;
- (b) The SCC contractor determines that the consumer is eligible for the program; and
- (c) The consumer starts his or her children in care with an approved child care provider.

(2) After the SCC contractor decides that a consumer is eligible, the date the subsidy begins depends upon when the consumer applied and when the consumer turned in all of the paperwork needed as follows:

If at the time of application the consumer:	And the consumer turns all paperwork in:	Then the child care benefits begin:
(a) Has not begun work yet,	Within 14 days of the job starting,	The first day of the job.
(b) Has not begun work yet,	15-29 days after the job starts,	The day after the paperwork is turned in.

(c) Has not begun work yet,	30 days after the job starts,	The application is denied and the consumer must reapply.
(d) Is working,	Within 14 days of the application interview date,	The day the consumer either calls or comes into the SCC contractor's office to apply for SCC benefits.
(e) Is working,	15-29 days after the application interview date,	The day after the paperwork is turned in.
(f) Is working,	30 days after the application interview date,	The application is denied and the consumer must reapply.

NEW SECTION

WAC 170-290-3670 Preauthorization for the SCC program.

- (1) A consumer may be preauthorized for the SCC program, before his or her job starts, if:
- (a) The consumer meets all eligibility criteria for the SCC program;
 - (b) The consumer has employment verification that shows a future start date; and
 - (c) The program does not have a waiting list.
- (2) Child care benefits begin according to the table in 170-290-3665.

NEW SECTION

WAC 170-290-3690 Denial of benefits--Date of redetermining eligibility.

- (1) The SCC contractor sends a consumer a denial letter when the consumer has applied for child care and the consumer:
- (a) Is not eligible due to the consumer's:
 - (i) Family composition;
 - (ii) Income; or
 - (iii) Activity; or

(b) Did not provide information required to determine the consumer's eligibility according to WAC 170-290-3530.

(2) If a consumer turns in information or otherwise meets eligibility requirements after the denial letter is sent, the consumer's benefits begin according to WAC 170-290-3665.

Notice

NEW SECTION

WAC 170-290-3720 Notice of payment changes. The SCC contractor provides SCC consumers with at least ten days written notice of changes to payments related to the suspension, reduction, or termination of benefits, in child care arrangements, except as noted in WAC 170-290-3730.

NEW SECTION

WAC 170-290-3730 Notice of payment changes is not required. The SCC contractor does not give a consumer notice if the consumer:

- (1) Tells the SCC contractor that he or she no longer wants SCC;
- (2) Has moved and his or her whereabouts are unknown to the SCC contractor;
- (3) Is receiving duplicate child care benefits;
- (4) Has a current eligibility period that is scheduled to end;
- (5) Has a new eligibility period that results in a change in child care benefits; or
- (6) Is receiving child care at a location that does not meet requirements under WAC 170-290-3750.

Eligible Providers and Rates

NEW SECTION

WAC 170-290-3750 Eligible child care providers. To receive payment under the SCC program, a consumer's child care provider must be:

- (1) Currently licensed as required by chapter 43.215 RCW and chapters 170-295, 170-296, or 170-151 WAC;
- (2) Meeting their state's licensing regulations, for providers who care for children in states bordering Washington. SCC pays the lesser of the following to qualified child care facilities in bordering states:
 - (a) The provider's private pay rate for that child; or
 - (b) The state maximum child care subsidy rate for the DSHS region where the child resides;
- (3) Exempt from licensing but certified by DEL, such as:
 - (a) Tribal child care facilities that meet the requirements of tribal law;
 - (b) Child care facilities on a military installation; and
 - (c) Child care facilities operated on public school property by a school district;
- (4) Seasonal day camps that have a contract with DEL to provide subsidized child care and are:
 - (a) Of a duration of three months or less;
 - (b) Engaged primarily in recreational or educational activities; and
 - (c) Accredited by the American Camping Association (ACA).

NEW SECTION

WAC 170-290-3760 SCC subsidy rates--Effective date. DEL child care subsidy rates in this part are effective as of the date stated in WAC 170-290-0180.

NEW SECTION

WAC 170-290-3770 Authorized SCC payments. The SCC program may authorize payments to licensed/certified child care providers for:

(1) Basic child care either full day or half day, at rates listed in the chart in WAC 170-290-0200 and 170-290-0205, including on Saturdays and Sundays:

(a) A full day of child care when care is needed for five to ten hours per day;

(b) A half day of child care when care is needed for less than five hours per day;

(2) A registration fee, according to WAC 170-290-0245;

(3) Subsidy rates for five-year old children according to WAC 170-290-0185;

(4) The field trip fees in WAC 170-290-0247;

(5) The nonstandard hours bonus in WAC 170-290-0249; and

(6) Special needs care when the child has a documented special need and a documented need for a higher level of care, according to WAC 170-290-0220, 170-290-0225, and 170-290-0230.

NEW SECTION

WAC 170-290-3790 When additional SCC subsidy payments are authorized. DEL may authorize additional SCC program subsidy payments for more than the basic child care subsidy daily rate when:

(1) Needed to accommodate a family's work schedule;

(2) Employer verification of work schedule is presented; and

(3) More than ten hours of care is provided per day (up to a maximum of sixteen hours a day) and the provider's policy is to charge all families for these extra hours.

Review Process

NEW SECTION

WAC 170-290-3820 Review of eligibility and copayment information. A consumer's eligibility and copayment information for the SCC program are looked at:

- (1) When the consumer applies for the SCC program; and
- (2) At least every six months.

NEW SECTION

WAC 170-290-3830 Redetermination of SCC benefits.

(1) At least every six months, the SCC contractor reviews a consumer's information to determine if he or she may keep receiving subsidies. A consumer may receive subsidy benefits for less than six months when:

(a) The consumer's employer says that the consumer might be working less than six months; or

(b) The consumer's child or children may not be eligible for the next six months because of their age.

(2) The SCC contractor will:

(a) Review the consumer's updated information; and

(b) Redetermine the consumer's eligibility.

NEW SECTION

WAC 170-290-3840 New eligibility period.

(1) If a consumer wants to receive child care benefits for another eligibility period, he or she must reapply for SCC benefits before the end of the current eligibility period on the child care plan. To determine if a consumer is eligible, the consumer calls or comes into the SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date.

(2) A consumer may be eligible for SCC benefits for a new eligibility period with no break in child care if:

(a) The consumer calls or comes into the SCC contractor's office by or before the end

date of the consumer's current SCC eligibility period to request an application interview date;

(b) The consumer's provider is eligible for payment under WAC 170-290-3750; and

(c) The consumer meets all SCC eligibility requirements.

(3) If the SCC contractor determines that a consumer is eligible for SCC benefits based on his or her application information, the SCC contractor notifies the consumer of the new eligibility period and copayment.

(4) If a consumer fails to call or come into a SCC contractor's office by or before the end date of the consumer's current SCC eligibility period to request an application interview date, he or she must reapply according to WAC 170-290-3665.

Payment Discrepancies

NEW SECTION

WAC 170-290-3850 Payment discrepancies generally. DEL child care subsidy payment discrepancies are described in WAC 170-290-0266 through 170-290-0275, with the exception of underpayments requested by licensed child care centers, which will only be considered for twelve months after the date of services.

NEW SECTION

WAC 170-290-3855 Termination of and redetermining eligibility for benefits.

(1) A consumer's continued eligibility for SCC program subsidies stops when:

(a) The consumer's monthly copayment is higher than the state maximum monthly rate for all of the consumer's children in care; or

(b) The consumer:

(i) Is not participating in an approved activity as defined in WAC 170-290-3555;

(ii) Does not meet other SCC eligibility requirements related to family size, income and approved activities;

(iii) Does not pay the copayment fees to the consumer's child care provider or does not make mutually acceptable arrangements with the consumer's child care provider for

their payment; or

(iv) Refuses to cooperate with investigations conducted by quality assurance staff or the division of fraud investigations.

(2) A consumer might be eligible for SCC program subsidies again when:

(a) The consumer meets all SCC program eligibility requirements;

(b) The consumer paid back copayment fees or made mutually acceptable payment arrangements with his or her child care provider; or

(c) The consumer cooperated with the quality assurance review process or with the DSHS division of fraud investigations.

Administrative Hearings--SCC

NEW SECTION

WAC 170-290-3860 Right to request an administrative hearing.

(1) SCC consumers have a right to request a hearing under chapters 170-03 WAC and 34.05 RCW on any action affecting SCC benefits except for mass changes resulting from a change in policy or law.

(2) Licensed or certified child care providers may request hearings under this chapter, chapters 170-03 WAC and 34.05 RCW, only for SCC overpayments.

(3) To request an administrative hearing, consumers must write to the office of administrative hearings at the address in WAC 170-03-0070 within ninety days of the date any decision of an action is received.

NEW SECTION

WAC 170-290-3865 Receipt of SCC benefits pending the outcome of an administrative hearing.

(1) A consumer may receive SCC benefits while waiting for the outcome of a hearing, if he or she is currently authorized for the SCC program and:

(a) The consumer requests a hearing:

(i) On or before the effective date of an action; or

(ii) No more than ten days after the consumer receives a notice of adverse action ("adverse action" for the purposes of this section means an action to reduce or terminate the consumer's SCC subsidies); or

(b) The consumer requests payments for child care payable to an eligible provider according to WAC 170-290-3750.

(2) If a consumer loses a hearing, any SCC program benefit that a consumer uses between the date of the adverse action and the date of the hearing decision (final order) is an overpayment to the consumer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 170-290-0010	What makes me eligible for WCCC benefits?
WAC 170-290-0105	How do I reapply for WCCC when my eligibility period is ending?
WAC 170-290-0108	What happens if I meet eligibility requirements after I receive a denial letter?
WAC 170-290-0260	Who has a right to ask for a hearing and how do they ask for one?
WAC 170-290-0265	When can I get WCCC benefits pending the outcome of a hearing?
WAC 170-290-0270	What is a WCCC overpayment and what can be included?
WAC 170-290-0273	When would my licensed or certified provider or DSHS contracted seasonal day camp get an overpayment?
WAC 170-290-0274	When would my in-home/relative provider get an overpayment?

Note: The following repealed WAC sections are the entire content of the current Seasonal Child Care WAC chapter 170-292:

WAC 170-292-0001	Introduction.
WAC 170-292-0003	What is the purpose of the seasonal child care

	program?
WAC 170-292-0005	Am I eligible for the SCC program?
WAC 170-292-0010	How is my family size defined for SCC program eligibility purposes?
WAC 170-292-0015	Are there special circumstances when I might be eligible for the SCC program?
WAC 170-292-0020	What activities must I be involved in to be eligible for the SCC program?
WAC 170-292-0025	What additional criteria does my family need to meet to be eligible for SCC program subsidies?
WAC 170-292-0030	When might my ongoing eligibility for SCC subsidies stop, and when might I be eligible again?
WAC 170-292-0035	What income is counted when determining eligibility and copayment for the SCC program?
WAC 170-292-0040	How is my family's average monthly income calculated for the SCC program?
WAC 170-292-0045	What is not counted, or is deducted, when figuring income eligibility for the SCC program?
WAC 170-292-0050	How is my family's income eligibility and copayment amount determined for the SCC program?
WAC 170-292-0055	When might my SCC program copayment change?
WAC 170-292-0060	What rights do I have when I apply for or receive SCC program subsidies?
WAC 170-292-0065	What responsibilities do I have when I apply for or receive SCC program subsidies?
WAC 170-292-0070	Who are the SCC program staff and what

	responsibilities do they have?
WAC 170-292-0075	Do I have the right to ask for a hearing regarding SCC program subsidy payments, and how do I request one?
WAC 170-292-0080	Can I use SCC programs subsidies while waiting for the outcome of a hearing, and when might it need to be repaid?
WAC 170-292-0085	What child care providers can I choose under the SCC program?
WAC 170-292-0090	When are the DSHS child care subsidy rates, used by the SCC program in this chapter, effective?
WAC 170-292-0095	What DSHS child care subsidy rate does the SCC program use when my child is five years old?
WAC 170-292-0100	What services can be authorized for the SCC program, and at what rates?
WAC 170-292-0102	When can my child care provider charge me more than the amount authorized by the SCC program?
WAC 170-292-0105	When can additional SCC program subsidy payments be authorized?
WAC 170-292-0110	What additional SCC program subsidy payments can be authorized?
WAC 170-292-0115	If I am determined eligible for the SCC program, when does my child care subsidy begin?
WAC 170-292-0120	Can I be authorized for the SCC program before I start a job?
WAC 170-292-0125	I am preauthorized for the SCC program, when do my SCC program child care subsidies begin?

WAC 170-292-0130	If I am reauthorized for the SCC program, when do my SCC program subsidies begin?
WAC 170-292-0135	When are my eligibility and copayment information for the SCC program looked at?
WAC 170-292-0140	How are my SCC program subsidies reauthorized and when may they continue?
WAC 170-292-0145	When might I receive advance and adequate notice of change in my SCC program subsidies?
WAC 170-292-0150	When won't I receive advance and adequate notice of changes in my SCC program subsidies?
WAC 170-292-0155	What is an overpayment and when might I receive one?
WAC 170-292-0160	When might a child care provider receive an overpayment?